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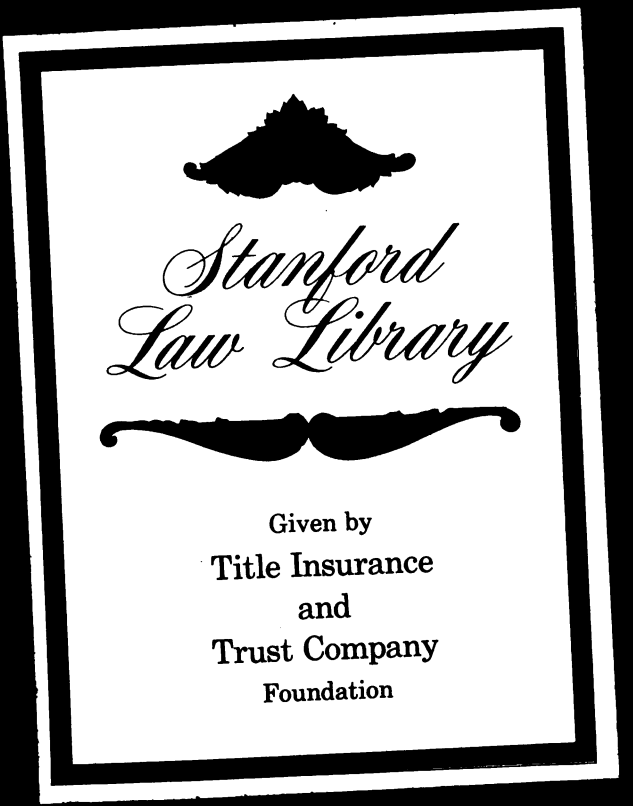
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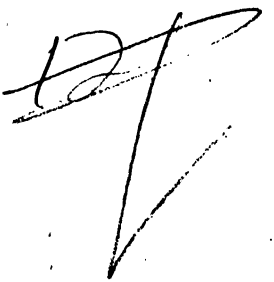
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THE HISTORY OF TITHES

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THE

HISTORY OF TITHES

FROM

ABRAHAM TO QUEEN VICTORIA

BY

HENRY W. CLARKE.

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INTRODUCTION.

WHEN engaged in writing the History of the Rise, Progress, and Present Position of the Ecclesiastical Commission for England, I had to deal with the endowments of the Church. Those derived from tithes were the most important. My desire was to collect facts as to their origin in the Christian Church generally, and in the Church of England particularly. In searching after truth and facts, I experienced no little difficulty in arriving at correct conclusions, from the various contradictory statements on the subject. One party saw in the payment of tithes a continuity of old Scriptural laws in the Christian Church, and which Christians were bound to pay, whether they liked it or not; passages from the Old and New Testaments were distorted, and forced meanings given to them; apostolical constitutions were forged in support of the payment of the tithe tax. What Isidore did as regards his forged decretals we find other early writers did as regards tithes, and sham miracles are paraded

in their works in support of tithes in the Christian Church. Another party, whose views John Selden is the impartial exponent, took a more correct view of the subject, and denied that the patriarchal custom, or Mosaic law, bound Christians to the payment of tithes *quâ* tithes. They asserted with truth that the Divine Founder of the Christian religion and His Apostles left behind them no written instructions for the payment of tithes, but the latter did state how the ministers were to be maintained—viz., on the purely voluntary principle. I am certain, it is against the whole tenour of the New Testament writings, that any funds for the support of those who minister at the altar, or in building or repairing sanctuaries for divine worship, should be collected *vi et armis.* It is revolting to all Christian principles enunciated in the New Testament that men should be imprisoned, or their goods seized, or, even as it happened in Ireland within this century, be shot dead, because they refused to pay tithes. But there have been, and there are still, men in England who unblushingly justify all the above means by which an odious and unscriptural tax should be collected for the support of the ministers of the Church of England. On the other hand, there have been, and there are still, in England noble-minded,

sympathetic, and large-hearted Christians who have conscientiously opposed such taxation as unscriptural.

For centuries, after the Christian Era, the Christians paid no tithes *quâ* tithes. In some of the Episcopal writings of the second and third centuries, suggestions are thrown out, but nothing more, recommending the payment of tithes according to the Mosaic law, certainly not with the view of handing over to the ministers all the proceeds of such payments, but to supplement the Church funds for the support of the poor, the fabric of the churches, and the ministers. According to the Mosaic law, the priests received but the one-hundredth part of the tithes, for the Levites had also to be provided for.

It was not until the fifth century that canons were passed for the payment of tithes. They were unknown in the British Church when Augustin landed on our shores, at the end of the sixth century. His mission was a mixture of good and evil. It was good, because it introduced among the Anglo-Saxons an active evangelical spirit. It was evil, because it formed the first link of an alliance between the Church of England and the Church of Rome. From that time forward the bishops of Rome interfered in the discipline and

doctrines of the English Church. They sent their legates to England to attend provincial synods, and to pass canons for the payment of tithes, without consulting the laity. The Church of Rome never allows the laity to have a share or a voice in any ecclesiastical matters. That was always, and is still, the most prominent feature in her organisation. In the eighth century, tithe free-will offerings were first given in England by a few individuals. In the ninth century Charlemagne passed the first lay law for the payment of tithes in his dominions. This was a great victory gained by the Church. His father, in A.D. 755, gave Ravenna to Pope Stephen III., and thus initiated the temporal territorial power of the popes. Milman in his history gives a sad account of the working of the tithe law in the Emperor's territories, so different to the teaching and spirit of the Gospel! The laity, however, refused to pay the tax.

In England, the *custom* of giving tithes as free-will offerings gradually began, as I stated above, in the eighth century, or eleven hundred years ago. The clergy were then quite satisfied with such voluntary offerings. A few only at first gave them; then the number gradually increased, by means of the pressure exercised in the confessional box, in the ninth, tenth, and eleventh centuries,

until it finally became *customary* for ALL to pay their tithe offerings. The usual question put by the priest from the confessional box was, "If they duly paid their tenths to God?" In A.D. 850, a German bishop in his visitations, had specially this article of inquiry, "Si decimas recte darent?" The custom in England gradually changed into a *common right*, and it was by virtue of this common right that people were legally bound to pay tithes. There was no positive law made for their payment. But here is their injustice. When this *custom* commenced, the population of England and Wales could not have exceeded 750,000, with about a million of acres under cultivation, and yet this *custom*, originating under the above circumstances, generated a *common law right*, which legally bound all subsequent generations to the payment of predial, mixt, and personal tithes. I call this barefaced injustice. It is utter nonsense to state, as some Church defenders do, that all the parochial tithe endowments were voluntarily bestowed on the Church by the landowners. I refer the reader to p. 132 for further remarks on this subject in the "Retrospective View of Tithes in England."

As regards tithes, the pope was the Quarter-Master General of the clerical army. He was the supreme steward of the clergy's maintenance; the

ruling and guiding spirit for the payment of tithes.

Certain writers argue in the most unreasonable manner against the division of tithes in England, and assert that the parson was legally entitled to, and had enjoyed, all his tithes without diminution. Lord Selborne, in his recent work, is the latest supporter of this erroneous view. I have fully stated at pp. 27-29, and in chap. xiii., the arguments in favour of the tripartite division of tithes in England.

The Norman monks initiated the appropriation of tithes to monastic bodies. The lands belonging to the four privileged orders were specially exempted from paying tithes, whilst others purchased bulls of exemption from the popes.

The Third and Fourth Lateran Councils held in 1180 and 1215 respectively, issued decrees against infeudations and for the payment of tithes. The latter Council gave the English parson a common right to parochial tithes. General Councils, in which the laity were unrepresented, had no right to pass decrees against the disposition of the private property of the laity to whatever religious purpose they wished, or for the payment of tithes. Their functions were confined to the discipline and doctrines of the Church.

When monasteries were dissolved by 31 Henry VIII., c. 8, and by 1 Edward VI., the tithes as well as the lands of the monasteries passed to the Crown, and the Crown granted them to laymen, whose posterity or assignees hold them up to the present day, and are protected in their possession of the tithes and Church estates by 32 Henry VIII., c. 7. In Edward VI.'s reign about six millions of acres were under cultivation, but from that time to the present, over twenty millions of waste lands have been brought into cultivation for which tithes were paid. From A.D. 1547 to A.D. 1886, about 5000 new parishes have been formed, of which about 3500 were formed this century, and 2500 from A.D. 1547 to A.D. 1800, or an annual average of 10 parishes, compared with an annual average of 40 from 1800 to 1886, or 57 a year from 1832 to 1886.

These facts and figures give a tolerably clear idea of how the Reformed Church of England advanced from A.D. 1547 to A.D. 1800, when the spiritual ministration of the country was decidedly bad and neglected in proportion as the tithes increased. This is exactly what may be expected from tithe-paid clergy, who were freeholders and parochial autocrats for life, subject to no control but that of the bishop, which, in those days, was at its lowest ebb.

The Nonconformists were hard at work when the Church, like the five foolish virgins, was fast asleep. But, towards the end of the first quarter of the present century, there arose a cry for Church Reform. Dr Howley, Archbishop of Canterbury, was the first to have taken steps, in 1829, to reform the then existing abuses in the Established Church, as to episcopal revenues, commendams, non-residence of incumbents, sinecures, pluralities, &c., which were like so many cancers eating away the body politic. This led to Earl Grey's Royal Commission of Inquiry, dated 23rd June 1832; to Sir Robert Peel's Commission, dated 4th February 1835; to the five remarkable ecclesiastical reports of 1835 and 1836; to the Episcopal and Tithe Commutation Acts of 1836; to the Ecclesiastical Commission for England, 1836; to the Pluralities Act of 1838; to the Cathedral Act of 1840; in fine, to the passing, from 1836 to 1886, or fifty years, of about one hundred and twenty statutes directly and indirectly affecting the Church, besides some thousands of Orders in Council, having the force of Acts of Parliament. Yet many churchmen assert that the Church of England has received no help from the State (!) What amount of money would have paid the members of the various Governments from 1832, who boldly stepped for-

ward to drag the State Church out of that sink of abuses in which the first reformed Parliament found her? If the reforming steps had not been taken in 1832 by our leading statesmen, the Church, with all its flagrant abuses, would have been swept away as an Established Church.

The Commutation Act settled a long burning question. The tithe owners obtained four millions of tithe rent charge, and the landlords gained two millions a year by the arrangement, besides paving the way to gradually increased rentals. The landlords have also gained about half a million more per annum by the various changes which were made in the extraordinary tithe charges. But owing to agricultural depression, the tithe owners, if the Commutation Act was not passed, would now be receiving from tithes in kind, if collected and sold, not much more than the gross tithe rent charge. The Church has, therefore, lost nothing at the present time by the Commutation Act. By the Commutation Act, the landlords and not the tenants are the real tithe rent payers. By the landlords contracting themselves out of the 80th clause of that Act, and arranging with the tenants to pay the tithe rent charge, a good deal of ill-feeling has sprung up in certain parts of the country on the part of the farmers against the tithe owners.

The tithe question is one which may finally be settled upon the principle of Redemption. As this is a most important question, I have devoted a whole chapter—XII.—to its consideration. The Redemption of the tithe rent charge is the only feasible solution of a very serious question which is liable to crop up at any time, and to lead to bitter strife between the farmers and the tithe owners.

When Henry VIII. had taken the pope's place as "Supreme head of the Church of England," he made no change in her doctrines, and the clergy received their tithes as hitherto. But in the reigns of his son and Elizabeth, changes were made in both ritual and doctrines; and those incumbents who refused to adopt the new doctrines, framed in accordance with those used in the Primitive Christian Church, were deprived of their incumbencies, and consequently of their tithes and other Church endowments. But there was no physical transfer made then of such endowments, and the Church was the same Church of England, but reformed. Their successors, who embraced the new doctrines and ritual, were appointed on the condition of strictly complying with the Acts of Uniformity, and the doctrines enunciated in the Thirty-Nine Articles. It was in virtue of such compliance that they were put in

possession of the tithes and other endowments of the Church, but not by any physical transfer of the property, which their predecessors had enjoyed. It was purely a change of tenants, without the least disturbance of the property. The new tenant solemnly engaged to comply with the new Church laws: the old tenant refused to do so, and had, therefore, to leave. That was all.

Within the past fifty years the so-called "Catholic revival" movement in the Church of England commenced. Its principal object, notwithstanding jesuitical casuistry or arguments to the contrary, is to Romanize the Church of England. In ritual there is now no difference between a Roman Catholic Church and one of the Reformed Churches of England, the incumbent of which belongs to the advanced ritualistic school. In doctrine, the "Catholic priest" of the Church of England is on a level with the "Roman Catholic" priest; but the latter acknowledges the pope, the former the queen, although he would prefer the pope, as the head of his Church. That seems to be the only difference. The incumbent is a freeholder for life. He has taken, and still takes, every advantage of his independent parochial autocracy, by introducing ritual and doctrines into the services of his Church at variance with her laws. There is no dis-

cipline of any consequence in the Church. There is nobody to control the parochial autocrat. He is a freeholder for life. The bishops are powerless, and the majority of them acquiesce in patent and flagrant violations of ritual and doctrines. And yet these incumbents hold fast to the tithes and other parochial endowments, supplemented, to a great extent, from the "Common Fund" of the Ecclesiastical Commissioners, and from the Bounty Board. As a member of the Church of England, I am not surprised at the hostile attitude of Nonconformists towards the Church, when they see her vast endowments enjoyed by men outwardly professing to be the incumbents of the Reformed Church of England, but who are really enemies in the camp, trying their very best to Romanize the Church, and at the same time to stick fast to her tithes and other endowments. They have not the honesty to leave her communion and go over to the enemy. No, they can carry out their plans and designs more successfully within her ranks, and also enjoy all her endowments, to aid them in accomplishing their nefarious designs.

I fully admit that there was a necessity for a moderate revolution within the Church of England. Fifty years ago, and later, the Church was puritanical and not Anglican. The incumbents and

bishops were torpid, indolent, and neglected their spiritual duties. The sacraments were neglected and even desecrated; the church doors were closed from Sunday to Sunday; the services were performed in a cold, irreverent manner; the so-called "Evangelical party" drove their carriage and four through the rubrics, canons, and articles of the Church. But all held a firm grip on their tithes and other endowments, while the spiritual destitution of the masses was really alarming and disgraceful; all that is changed now, and for the better. The revolution came, but, like all revolutions, it was pushed to extremes. A few fanatics crossed the Rubicon on their march to Rome, and burnt their boats. Others followed, until at the present day the number of followers has alarmingly increased. Our people now find it very easy to step from the Church of England into the Church of Rome. That is not so with the Non-Conformists or members of the Church of Ireland or Episcopal or Free Church of Scotland. We never read of any of their ministers or members going over to Rome, but it is a very common thing to read of "verts" to Rome from the clerical and lay ranks of the Church of England. The way to Rome is so well prepared by the clerical agents working within the Church, and

enjoying her endowments, that the "verts" find the change to Rome so easy that they perceive no difference whatever between the two Churches. A foolish law gives the bishops the power of vetoing clerical prosecutions. The majority of the bishops sympathise with the extremists, and by virtue of the veto will not give their sanction to prosecutions. The bishops are popularity seekers; they wish to be on good terms with their clergy, and to keep ritualistic scandals in the background, because they know well that the less publicity is given to such scandals the better for the Establishment. The great fault is that there exists no diocesan body to advise and control the bishops, and no parochial body to act similarly over the parochial autocrats and freeholders for life. If the Church were Disestablished, these controlling and ruling bodies would spring up at once into existence, and then there would be the beginning of a healthy revolution, in which the influence and the power of the lay element in the Anglican Church would be felt in every parish and in every diocese throughout the land. The "vert" tide would then be turned back from Rome, and the Anglican members would find sufficient spiritual comfort and consolation within their own old and venerable Church of England, whose doctrines are framed on Holy

Scripture, and not on the errors of a corrupt and a corrupting church.

It is an indubitable fact that the "Catholic Revival" has transformed the Church of England into a *nursery* or recruiting depôt for the Church of Rome; and as years have rolled on, the nursery has been enlarged, its management made more perfect and effective for the object in view, by young ardent incumbents joining the ranks, and pushing the Revival to extremes. All this is carried out by freeholders for life enjoying vast Church endowments, uncontrolled by, and independent of, their parishioners and bishops. England is therefore to be Romanised through and by her National Reformed Church. Convents are built in their parishes with episcopal permission and visitation; ladies with their fortunes are admitted; rules of discipline and doctrines are framed by the incumbents on the lines of those of the Roman Catholic Church. When any of the inmates wish to leave, like Miss Allcard and Miss Stirling of the "Convent of Mary at the Cross," a Protestant (or "Anglican," if preferred) institution in Mark Street, Finsbury, London, the "sisters" step out of the Anglican convent, and pass at once, without hesitation, into the Church of Rome, and no doubt without perceiving any difference between the two

churches. [See *Times*, 21st and 22d January 1887, "Allcard *v.* Skinner," heard in the Chancery Division.] One of the rules of the above convent, as given in evidence, is that the voice of the Mother Superior "must necessarily be regarded as the voice of God"(!) Just imagine such a rule for "Sisters" in a Protestant institution, sanctioned and visited by the bishops of the Church of England! How long must this last?

Lord Selborne, in his "Defence of the Church of England," carefully avoids all references to the indubitable fact as regards the existence of this nursery for Rome within the Church, and it is such existence which makes Disestablishment the vital question for the near future. I am no Liberationist *quâ* Liberationist, but, as a sound Churchman, I am totally opposed to seeing the pure Church of England transformed into a nursery or recruiting depôt for the corrupt Church of Rome, and her vast endowments utilised for any such purpose.

How long, then, will the people of England permit their National Reformed Church, with all her endowments, to exist as a nursery for the Church of Rome? Are they prepared to permit the Church to occupy the *status quo ante* Reformation?

How long would the pope and his "Propaganda" at Rome, permit the parish priests of the National Church of any Roman Catholic country, to convert their parishes into nurseries for the propagation of Protestant ritual, discipline, and doctrines? Not one day. They would move heaven and earth at once to smash up the pernicious nurseries, and expel the mutineers from their parishes. There is discipline in the Church of Rome, but none in the Church of England.

I grant that Disestablishment would create a revolution in the Church, on account of the Revival or Romanising movement having been permitted to exist so long. But between two evils, I select the lesser. Disestablishment would disperse the nurseries. Diocesan and Parochial mixed boards of lay and clerical members would control and purify the Church. Diocesan and Parochial autocrats would no longer exist. Stringent codes of discipline would be framed, and short, sharp, and decisive steps would be taken against clerical delinquents. Candidates for Incumbencies, with Romanising tendencies, would find no favour with Boards of Patronage. And if by any chance they were appointed under false colours, and afterwards attempted to form recruiting depôts for Rome, the parishioners would have the power to make their

disapproval felt by stopping "supplies" until their grievances were redressed. The lay and clerical members would also have a voice in the selection of their bishops.

HENRY W. CLARKE.

February 1887.

THE HISTORY OF TITHES.

CHAPTER I.

BEFORE THE CHRISTIAN ERA.

THE first instance on record of the payment of tithes is found in Genesis xiv. 20, when Abraham, after having rescued Lot, was returning a victor from the battle with the spoils of war. King Melchizedek met him on the way, and Abraham gave him, in his office of priest of God, "tithes of all." It is a disputed point whether Abraham meant a tithe of all his property, or of all the spoils of war which he had with him.

The next instance we find is the vision of Jacob's ladder. He vowed to God, "Of all that Thou shalt give me, I shall surely give the tenth unto Thee" (Genesis xxviii. 22). It is laid down in the Mosaic Law, "And thou shalt truly tithe all the INCREASE of thy seed that the field brought forth year by year" (Deut. xiv. 22). It is important to note the word "increase" in this passage, which in our law courts had often decided disputed cases,

whether certain things were tithable or not. For instance, were all herbs tithable? Only those which man eats. In Leviticus xxviii. 30-32, "All the tithe of the land, whether of seed of the land or of the fruit of the tree, is the Lord's, and the tithe of the herd or of the flock, even of whatsoever passeth under the rod, the tenth shall be holy unto the Lord." It was the custom for a person to be at the sheep-cot with a coloured rod, and as the sheep came out one by one, every tenth was marked with this rod; and that is what is meant by "passing under the rod."

The priests at Jerusalem received the first fruits and heave offerings, but not the tithes. The heave offerings were the one-sixtieth of the gross produce. But the tithes were devoted to the whole tribe of Levi at Jerusalem, and they gave the tithe of their tithes to the priests—that is, one-hundredth part. It was from this custom, and in order to support the Crusades, that the popes of Rome exacted early in the fourteenth century the first fruits and the tithe of the tithes from the hierarchy and beneficed clergy, who were under their spiritual jurisdiction. And when King Henry the Eighth displaced the pope, and assumed the supreme authority in the Church, he also exacted the first fruits and tenths, which went to his favourites.

Queen Anne, by an Act of Parliament passed in 1704, gave them back to the Church for the special purpose of augmenting poor livings.

After the destruction of the second temple and the dispersion of the Jews, the payment of tithes among the Jews had ceased, because they thought that Jerusalem alone was the place where tithes ought to be paid, and also because it became impossible to trace out the tribe and priesthood to whom alone they were to be paid. It is a question whether the Jews, who were converted to Christianity before the destruction of the second temple had paid tithes to the Levites.

The heathen nations seem to have copied and adopted the Jewish custom of paying tithes. We read of the Greeks having paid tithes of the spoils of war to Apollo, and of the Romans to Hercules. But, properly speaking, they were not the sort of tithes mentioned in the Mosaic law. They were only arbitrary vows and offerings; but no conclusion can be drawn that they were tithes because tenths were given. Sometimes the heathen offered more and sometimes less than one-tenth.

Some ardent supporters of the payment of tithes make themselves ridiculous in tracing the origin to Adam! They state that Adam paid tithes. Here is their story. "God charged Adam when there

was but one man in the world, that he should give Him the tenth part of everything, and to teach his children to do the same; but as there was no man to receive it for Holy Church, God commanded that the tenth part of everything should be burned. In the offerings of Cain and Abel, Abel tithed truly of the best, but Cain tithed falsely of the worst. Cain killed Abel because he said he tithed evil. So people must see that false tithing was the cause of the first murder, and it was the cause that God cursed the earth" (Selden, p. 169).

It is very wrong that Scriptural passages, such as the one given above, should be distorted in order to induce people to pay tithes to "Holy Church."

CHAPTER II.

FROM THE CHRISTIAN ERA TO A.D. 400.

In apostolical times the Christian ministers were supported by voluntary contributions. Those who preached the Gospel lived by the Gospel; but this scriptural statement did not mean, as some assert, by the payment of tithes, otherwise it would have been stated. St Paul ordered weekly collections to be made for the saints in the churches of Galatia and Corinth (1 Cor. xvi. 1, 2). The voluntary contributions of the faithful were collected and put into a common treasure (Acts ii. 44; iv. 34). The liberality of the Christians, then, far exceeded anything which could have been collected from tithes. And even if tithes were exacted, it is exceedingly doubtful whether the progress of Christianity would not have been materially checked at its outset.

The Jewish law, as regards the payment of tithes, was not binding upon Christians, no more than the custom of bigamy and polygamy adopted by the Israelites, is binding on the Christian Church. There is no injunction in the New Testament bind-

ing Christians to pay tithes to their ministers. And when the payment was first urged in the Christian Church, it was supported by reference to the Mosaic Law and not to St Paul's words, That those who preach the Gospel should live by the Gospel.

The Apostolical Constitutions for the Christian Church, collected, as it is said, by Pope Clement I., were framed many centuries after apostolical times. Cardinal Bellarmine is honest enough to ignore them. Selden, in his "History of Tithes," thinks they were concocted about A.D. 1000; others think 1042. In these Constitutions tithes are stated to have been paid by the Christians to the Apostles. Sir H. Spelman (p. 108) thinks that the first thirty-five canons are very ancient. "Dionysius Exiger," he says, "who lived within 400 years after the Apostles, translated them out of Greek. The fifth canon ordained that first fruits and tithes should be sent to the house of the bishop and priests, and not to be offered upon the altar." The Greek word in the copy is not δεκασμούς. No solid argument for the payment of tithes can be founded on this canon, for if we take the custom of the Anglo-Saxon churches at the end of the sixth century, which was in accordance with that in primitive times, we find no account of the payment of tithes.

The monks in their cells had sufficient leisure to concoct these Constitutions, and palm them on the credulous as having been the genuine production of the Apostles. The concocted Constitutions were copied and handed down from century to century without any attempt being made to test their genuineness and authenticity. It seems exceedingly strange that Anglican divines and laymen should refer to the Apostolical Constitutions as an authority for the payment of tithes in apostolic times, although Bellarmine, a great champion of "Holy Church," ignored them. (See the Animadversion on Selden's "History of Tithes in 1621," by Dr R. Tillesley, Archdeacon of Rochester.)

Churchmen like the Archdeacon, many of whom being in the receipt of tithes or tithe-rent charges, will naturally act like drowning men, and snatch even at passing straws to save the tithes. Could anything, for example, be more childish and absurd than the story of tracing the payment of tithes to Adam? And what makes the case worse, is to distort Scripture so as to deceive the people who could neither read nor write, and even those who could read had no open Bible to consult to see for themselves whether these things were so.

Members of the Anglican Church forget when using such weapons as the "Constitutions" in sup-

port of tithes, that the very cause of the English Reformation in the sixteenth century was the adoption into the English Church of the traditions and errors of the Church of Rome, which were said to have been handed down by the Apostles, although many of them can be shown to be contrary to Holy Scripture. Archdeacon Tillesley does not defend the whole volume of the Constitutions of Clement, but he does that part about the payment of tithes. He evidently had forgotten the mechanical axiom, that nothing is stronger than its weakest part. "Because the early Christians," he says, "were liberal to the Church, therefore it was reasonable that tithes in the 'Constitutions Apostolical' were true." Nothing of the sort.

After apostolical times, monthly offerings and oblations, we are informed, were made in all the churches, and were used for three purposes—(1) In maintaining the clergy; (2) in supporting the sick and needy; (3) in repairing the church fabric. These monthly contributions were in the third century augmented by grants of lands, which were annexed to churches. In A.D. 322, Constantine, the first Christian emperor, published an edict, giving full liberty to his subjects to give as large a proportion of their property to the clergy as they

should think proper. From all these sources of revenue the Christian Church was increasing in wealth. But for more than four hundred years after the Christian era, there was no authoritative church canon made for the payment of tithes; and then such canon was founded upon the Mosaic Law. The question then is, Are Christians justified in adopting the Mosaic Law for the payment of tithes? This law had no force outside Jewish territory. There is no order in the New Testament for their payment. Among the Jews we fail to find such anomalies, rather scandals, in their payment as are found in England. The tithe-rent charge in 1882 was slightly over four millions per annum. Among the Jews were not to be found lay impropriators receiving annually £766,233; schools, colleges, charities, and hospitals receiving £196,056. Here is nearly a quarter of the tithe-rent charge taken by people who are quite unconnected with the religious duties of those parishes from which the tithes arise. Then, again, we have a large extent of land — formerly monastic land — tithe free. There are also the lands in the vicinity of cities and towns built upon, for which the landlords receive large ground-rents, and, when the leases expire, take possession of the house property. These landlords pay nothing to the church for the in-

creased value of their land except a tithe-rent charge of about ten shillings per acre, although the landlords may, from ground-rents alone, receive one hundred times the yearly value per acre, before it was built upon. This is the injustice of tithes.

In the Christian Church, tithes were FIRST given by the faithful as spontaneous offerings,. at the urgent solicitations of the clergy. "Nam nemo compellitur," says Tertullian, "sed sponte confert." These spontaneous tithe free-will offerings were not given in cash but in kind. Some gave a tithe of sheep, others of wool, or of corn, &c., just according to the will of the donor. This was the germ of tithes in the Christian Church, which commenced in the fourth century, and were ordered to be paid by canon law about the beginning of the fifth century. The canons which were framed afterwards had ordered them to be paid as a right, as a divine law of the Old Testament, and were not to be considered as free-will offerings. Here is just that specimen of arbitrary conduct on the part of ecclesiastics which would only be tolerated in the dark and Middle Ages. Tithes were too profitable a source of revenue to be ignored in the Christian Church.

A book entitled, "The Englishman's Brief on behalf of his National Church," has been published

by the S.P.C.K. A good cause needs no fiction to support it. In that book there is quite twice as much fiction as facts. The extensive circulation of this mixture has embarrassed many in gaining a correct knowledge of the tithe question from the earliest period to the present time. It is written in the style adopted by special pleaders. It gives but one side of the subject. It contains a long string of questions, as if asked by opponents, and the "Brief" in the hands of a special pleader, answers them *ex parte*, and carefully omits a great deal which could be said on the other side. One side is heard in court, but not the other. I strongly object to this way in dealing with so important a subject as the history of tithes in this country. To be appreciated, the history or "Brief" must be impartial. In court, "Briefs" are usually held by different pleaders on both sides. The S.P.C.K. has handed a "Brief" for one side, that is, the National Church. I do not pretend to hold a "Brief" for the other side. But I hold a "Brief" for both sides. It is not my object to review that book here *seriatim*, and to point out what is fiction and what is fact. In my statements throughout this work, a good deal of the fiction is refuted indirectly without reference to the "Brief." But I feel it absolutely necessary to

indicate a few of the remarkable feats of fiction which appear in it. When the Christian Religion was first propagated, the writer would have us believe that the converted Jews transferred the payment of their tithes from the Jewish to the Christian ministers, just as easily and as quietly as a man now could transfer the payment of a cheque from one bank to another. Here are the words of the "Brief":—"So that when the Jews and heathen became Christians, throwing off their old religion and adopting the new religion of Christianity, they never dreamt of being less liberal to that form of religion which they loved the more and had adopted, than they had been toward that which they had loved the less and had discarded. Hence the transfer of tithes from the old religion to the new religion" (p. 34). We are not informed upon what authority this statement is made. There is nothing about it in Josephus. There is no order in the New Testament. We read nothing of this in the writings of the first and second centuries. We read of exhortations to pay tithes in the writings of the third and fourth centuries. We read of canons being made for the first time in the fifth century for their payment. But I have failed to find any evidence to support the statement quoted from the "Brief."

I shall have occasion again to refer specially as well as indirectly, in some of the other chapters of this work, to the misleading and often fictitious statements contained in the "Brief" put forward by the S.P.C.K.

CHAPTER III.

FROM A.D. 400 TO 787.

THE Provincial Council of French bishops, held at Mascon, A.D. 586, is considered to have been *the earliest council* which ordained the payment of tithes. It ordained, "Ut decimas ecclesiasticas omnis populus inferat, quibus sacerdotes aut in pauperum usum, aut in captivorum redemptionem erogatis, suis orationibus pacem populo ac salutem impetrent." It is strange that Isidore, in his compilation of decrees of councils, makes no reference to this council. Friar Crab is the first to have mentioned it in his edition of the councils under Charles V. (Selden, "History of Tithes," p. 58.) The mistake originated in calling the offerings and oblations, tithes. The same mistake is repeated by writers at the present day when treating on the subject of tithes. For instance, Dr J. S. Brewer, in his book entitled "Endowments and Establishment of the Church of England," second edition, 1885, translates "portiones," quoted from Bede,

"tithes." Pope Gregory says in his reply to Archbishop Augustin's question, "Communi autem vita viventibus jam de faciendis portionibus, vel exhibenda hospitalite et adimplenda misericordia, nobis quid erit loquendum." But as for those who live in common, why should we say anything now of making portions? Dr Brewer translates the passage thus—"As for those who are living in common, I need give no advice about dividing TITHES, &c." Now, the Latin word for tithe is "decima," and is so used in all the monastic charters. The same writer states, and he is followed by writers of leaflets for the Church Defence Institution, that the scriptural precept, "To live of the Gospel" (1 Cor. ix. 13), refers to the payment of tithes. I am certain St Paul never intended anything of the sort as a compulsory payment. I fully admit that the passage may cover a tithe free-will offering, the same as any other free-will offering, but I cannot believe it implies a compulsory payment of tithes, that is, to carry it out to its logical sequence, a distraint on the goods of a person who is unable or unwilling to pay the tithe. I hold strongly the view that free-will offerings are the only scriptural mode for the maintenance of the Christian ministers, &c. And it was as free-will offerings they were first given to the Church. I

shall show in another part how tithe free-will offerings were made compulsory.

The instances are numerous in which words of old authors and passages of Scripture are not only strained but intentionally distorted in order to show the early origin of tithes. There is nothing gained, but much confidence lost, in this critical age by distorting the meaning of or giving a forced interpretation to plain words of Scripture, or of secular and religious writers.

The Christian religion had been introduced into Britain at a very early date, and from Britain it passed over to Ireland. Ireland was specially remarkable for her evangelical missionary monks who visited Scotland, England, and the Continent for the purpose of converting the heathen. Its geographical position favoured a quiet, retired, and contemplative life. Britain served as a "buffer" for many centuries against the piratical devastations of the northern hordes. The inhabitants of Ireland were therefore left in quiet and undisturbed possession of their lands, churches, and monasteries, at a time when the inhabitants of Britain were driven from the east and south to the west of the island ; their lands taken from them, their churches and monasteries pillaged, and then destroyed by the invaders.

Pope Gregory the Great selected Augustin, a Benedictine monk, with forty followers of the same order, to proceed on a mission to Britain in order to convert the pagan Saxons to Christianity. They were not of the strict Benedictine order, who lived according to the rule framed A.D. 529, but rather belonged to an earlier and less severe type. They were almost all laymen. The journey to Britain was then considered a hazardous undertaking, being considered in so remote a part of the world. Even this band of Christian pioneers became disheartened on the journey, and would have returned to Rome had not the pope valiantly urged them to carry out their mission. This forms a grand and noble feature in the character of that good Christian bishop. The bishops of Rome at that period were true exponents of apostolical doctrines as taught in Holy Scripture. We must go to a later period, and even to the present century, when the bishops of Rome were elevated to a position as to their infallibility equal to that of God.

The missionaries landed in the Isle of Thanet A.D. 597. Ethelbert, a heathen, was then King of Kent, but his wife was a Christian princess. The king visited Augustin and his companions in their new island home. He was much impressed with their external ceremonies, and permitted them to

reside in Canterbury. He presented his palace there to Augustin as his residence. The king appointed Canterbury as Augustin's episcopal see. There were also in the island some British churches, bishops, and clergy, but there were no divisions of parishes, no parish churches, and certainly no tithes paid. If such had been paid, Bede, in his "Ecclesiastical History," would inform us. I shall show further on that the payment of tithes in England was of foreign importation, some centuries after Augustin's mission. He was consecrated archbishop A.D. 597, and died 605. In 602 he laid the foundation of the cathedral church of Canterbury. In 604 he ordained Mellitus, one of his companions, bishop of London, and Justus, another companion, bishop of Rochester. King Ethelbert granted them London and Rochester respectively as their episcopal sees. These bishops and their clergy (episcopi clerus) were then but missionaries in the country, and being monks, had lived together close to their cathedral churches, from which they proceeded as itinerant preachers to the neighbouring localities. The bishop's church was called the cathedral church, *mater ecclesia*, because the bishop had his cathedra, sedes, bishop-stool or chair, in the choir. The modern grand title is "Bishop's Throne," placed by itself in a

conspicuous part of the church. There are only two cathedral churches in England in which the "Throne" is in the choir, but in a raised position. The bishop's circuit or diocese was the parish; hence the terms "parish" and "diocese" were then synonymous. He was therefore the rector and bishop of the parish or diocese. It will be shown further on that the canon law gave the bishop the right to all the tithes in the diocese. The rules and vows of the monks prevented them from being scattered over the diocese. They lived together in common, and within their monastery. Their chief functions were, to instruct the new converts, who, when duly prepared, were sent forth by the bishop as ordained itinerant ministers, to preach to and convert their countrymen in the distant parts of the diocese, where there were no churches, but crosses erected at convenient spots, and around these crosses the people assembled to hear the word of God, to have their children baptized, and to partake of the Sacrament of the Lord's Supper. Collections were always made on such occasions, which the preachers brought and deposited at the bishop's house for the common fund. When the itinerant preachers—episcopi clerus—saw people eager and zealous in their religious duties, they reported the same to the bishop, who had caused to be built for

them, out of the common fund, wooden chapels or churches. These served as chapels of ease to the mother church. In some cases the bishop had a house constructed close to the chapel or church, where a priest could permanently reside. The bishops had the advowsons of all such churches. The nobility and landed gentry were not slow in fully appreciating the advantages of resident to itinerant priests. They also felt the great inconvenience, especially in winter, of attending services at the cathedral church, which may be at a considerable distance from their residences. The villagers were even in a worse condition. So the landowners slowly commenced about A.D. 650, and most actively just after A.D. 700, to build churches upon their estates, the parochial limits of which were made conterminous with the extent of their properties, hence we find some of the old parishes of very unequal extent. The churches were for the use of the landowners' families, servants, tenants, and labourers. Residences for the priests were built close to the churches, and the landowners endowed the incumbents with glebe lands for their maintenance, but there is no evidence to show that the landowners at that early period endowed them with the tithes of their properties. The ministers had therefore for their maintenance

the glebe lands and a part of the offerings of the congregations. The people who dwelt upon the property had the right to worship in the church thus built for them by the landowner without payment for seats, which is a modern custom dating from the Church Building Acts passed early in the present century. From these statements three salient facts are to be observed. (1.) Churches were built and endowed by the landowners, but not with tithes. (2.) Parish churches commenced to be built about A.D. 650. (3.) Parochial boundaries commenced to be formed about A.D. 675 or A.D. 700. The endowments at first consisted of (*a*) the church, (*b*) the parsonage, and (*c*) the glebe lands. To these a fourth was subsequently added, viz., tithes.

As the population of the country increased, and the parish churches were far away from towns where large populations congregated, new churches had to be built within the parochial limits for their convenience. The founder, and not the rector of the mother church, had to give his assent to the erection of the daughter church, but the rector presented the new incumbent to the bishop for institution. King Edgar, as will be seen further on, ordered that every such daughter church, provided it had a cemetery, should receive a third of the tithes

of the whole parish, the remaining two-thirds going to the rector.

Why did the vicar receive one-third of the tithes? Because it was the priest's share. This statement is an additional proof of the tripartite division of the tithes, one-third being the rector's.

Edgar's law gave a great impetus to the creation of many small parishes in England; for every proprietor of bocland wished to have a priest on his estate. Each new church, in the course of time, obtained a parochial limit of its own, and enjoyed the profits which the mother church had possessed out of the land included within this limit. The capellæ or chapels of ease, without burial grounds, were differently treated, and therefore had never trenched upon the profits of the parish church. (Selden, pp. 265-267.)

The church built by a layman had to be consecrated by the bishop, but the layowner had the advowson or nomination of the incumbent. This was the origin of lay patronage in the Church of England. The church so built belonged to the manor or estate. When in course of time the property was sold or otherwise disposed of, the advowson went with the property. With change of hands the advowson was, by some owners, separated from the manor or estate, and sold to

the highest purchaser. The original patron never anticipated this change. It was this separation that has caused the scandalous traffic in church livings. The advowson is now the property of one person, and the manor is the property of another. The sale of the living or advowson is treated on the same footing as the sale of land, houses, &c. The traffic is carried on at public auctions, and the advowson is sold to the highest bidder. Again, some will not sell the advowsons, but the next presentations. The living is worth, say, £800 a year from tithe rent charge, the incumbent is old, and the owner of the advowson is desirous of finding some person who will buy the next nomination when the present incumbent will die. It is a speculation, for it is a life interest which is purchased. In these transactions—this traffic in souls —which have produced most lamentable scandals, private agents, who make this traffic in livings a special branch of their business, carry out the private arrangements between the buyer and seller. All these objectionable proceedings were never anticipated by the original owner, but as the advowson was attached to the estate, it became to have a money value when the property passed into other hands. Many patrons of livings are Roman Catholics, Jews, and infidels. There are owners

of advowsons who never sell them, but nominate to their vacant livings the best clergymen they can get, but the large majority of owners of advowsons treat them as private property, and make the most money they can out of them, either by selling the advowsons or selling next presentations. In these few remarks I merely give a brief sketch of the existing scandals as regards the traffic carried on in the sale of livings. For full particulars the reader must consult the proceedings, which appear in the "Parliamentary Papers," vol. xviii., for 1880, p. 379, &c., of Select Committee appointed by Parliament to investigate the whole subject.

The bishops and clergy at first lived together, and were supported by the offerings and oblations of their flocks, which were brought to the bishop's house and put into one common fund for the support (1) of the bishop and his clergy, (2) for the repairs of the church, and (3) for the poor and sick.

The first question which Augustin asked Pope Gregory was, "Into how many portions were the things given by the faithful to the altar to be divided?" (Bede, "Ecclesiastical History," book i. c. 27). He answered, that they were to be divided into four portions (ut in omni stipendio, quod accidit, quatuor debuit fieri portiones), viz., one for

the bishop and his family (una episcopo et familiae propter hospitalitatem atque susceptionem), because of hospitality and entertainments, another for the clergy, a third for the poor, and a fourth for the repair of churches. Gregory advised Augustin, however, to adopt the custom of the Anglo-Saxon Church, which was, he said, in accordance with the use adopted in primitive times, viz., to have all things in common among them. In both question and answer we do not find one word about tithes.

The quadripartite division of the common fund mentioned by Pope Gregory, existed only in the diocese of Rome, and commenced at the end of the fifth century. In France, Spain, and other countries, the tripartite division existed, by combining the first and second.

In England, the bishops and "episcopi clerus" lived in common until about A.D. 700, when the custom commenced to cease. The Anglo-Saxon kings lavishly endowed the bishops with real estates. Up to 705 there were nineteen bishops in England and Wales. As the Episcopal endowments increased, the bishops became more independent, and therefore, in 700, we find them separating themselves from their clergy, and living on the profits of their estates. But they also received their shares of the common fund, which

continued until the eleventh century, when by canon law they were prohibited from participating in the common fund and tithes. The parochial clergy then took the place of the bishops, and divided the tithes into three parts—one they kept for themselves, a second was distributed in charity, and a third was set aside for repairing and decorating the churches. I am aware that this tripartite division of tithes in England is denied, and it is asserted that the rectors received their tithes in full as a common right, and were not bound to make any provision out of them for charity or repairs of the churches. But after carefully studying the question, I can perceive no reason why I should change my opinion. The writers who deny this division, admit that the rector's common right grew out of the custom of free-will offerings of tithes.

This admission upsets the denial, for it can be shown that the original custom never gave all the tithes to the parson on the Continent or in England.

The following are my reasons for adhering to the opinion that a tripartite division of tithes existed in England, or that some division existed, and that the rector had not the enjoyment of all the tithes :—

1. When at the end of the fourth and beginning of the fifth century, some of the prominent bishops of the Christian Church, especially Augustin of Hippo, in his sermon, "De Tempore," first strongly urged the payment of tithes, it was in order that the wants of the poor may be attended to.

2. In reply to Augustin's letter, Pope Gregory states that all the emoluments must be divided into four portions, of which the clergy received but one. When tithes were given as free-will offerings, like other church contributions, the pope's statement clearly indicates that the clergy did not receive all the tithe free-will offerings. The argument is the same where the tripartite system was in use.

3. In the collection of canons attributed to Archbishop Egbert, it is stated that the priest should divide the tithes into three parts, one of which the priest was to keep for himself. Although this collection bears internal evidence of having been compiled some centuries after the archbishop's death, yet it shows that a tripartite division of the tithes must have been made in England at the time the collection was formed, otherwise the compiler or compilers would not have mentioned the division as having existed in Egbert's time, meaning his or their own time. There is a remarkable statement in the canons attributed to Egbert, that the priest

was to make a distribution of the tithes "coram testibus." Now, the distribution of the tithes had passed through the priest's hands, and "coram testibus" was to prevent him from taking too large a proportion for his own use.

4. See page 22.

5. A law of Ethelred in 1013. In a constitution of his there appears the following:—"Concerning tithes that the King and his Witan have decided and pronounced, even as the law is, that one-third of the tithes of every church shall go to the repair of the church, one-third to the servants of God, and one-third to God's poor and to necessitous persons in servitude." This is but a declaratory law, a confirmation of the common law of the land. There is no foundation for the assertion that this law, attributed to Ethelred, is not genuine.

6. In his letter, about A.D. 1200, to the Archbishop of Canterbury, enjoining the payment of tithes to the parsons of parishes, Pope Innocent III. declared it to be a grievous sin to give the tithes and first fruits to the poor and not to the priests. From this we may reasonably infer that a proportion, and not all, of the tithes and first fruits was at that time devoted to the support of the poor, and thus keeping up the ancient custom. This pope was all for the priests and the supremacy of

the See of Rome. His name is associated with one of the most humiliating events in English history.

7. An Act was passed in the reign of Richard II., directing the bishops to ordain a competent sum to be distributed among the poor parishioners annually. Blackstone makes the following remark upon this Act:—"It seems the people were frequently sufferers by the withholding of those alms for which, among other purposes, the payment of tithes was originally imposed." Here is the evidence of a most distinguished and learned judge that it was originally intended that the wants of the poor were to be supplied out of the tithes.

See Chapter xii. for additional information.

Tithe-owners are at present in the enjoyment of all the tithes, or tithe-rent charges, instead of one-third. Those who possess the rectorial tithes keep the chancels in repair. They say they pay poor-rates on the income derived from tithes. They certainly do not pay one-third. They complain that no such burden is placed on the landlords for their rents. I admit that this distinction should not exist. But landlords pay property-tax.

About A.D. 700, three important changes occurred. (1.) The bishops and their clergy discontinued living together. (2.) The parochial system commenced. (3.) The first attempt was made to prevent the

clergy from marrying. This last change was gradually brought about by the influence of the Roman Church over the national churches of other countries, and by the monastic orders scattered through these countries in their several monasteries. The influence of the Roman See over the English Church commenced with Augustin's mission, and gradually increased under the Anglo-Saxon kings. About 787 the power of the pope was acknowledged in England, and as supreme head of the Church he exercised the undisputed right of consecrating bishops. It became formidable at and after the Norman Conquest, and reached its zenith in the reign of King John. The order for the celibacy of the clergy in the Church of England was not generally observed for a considerable time after A.D. 700. It gradually gained ground especially during the archiepiscopacy of Dunstan (959-988). But Hildebrand, in the reign of William I., issued special decrees against clerical marriages, which were vigorously carried out in the Church of England. In 1547, the clergy were again permitted to marry, but the Act was repealed by Queen Mary, which her sister could never be induced to repeal again, for Elizabeth was as hostile to clerical marriages as the pope himself. However, in the first year of King James I., the statute of Mary was explicitly repealed.

CHAPTER IV.

FROM A.D. 787 TO 1000.

THE first public lay law decreeing the payment of tithes was made, A.D. 787, by Charlemagne. On this subject I thought it best to quote a remarkable passage from Milman, vol. ii., p. 292, &c.: "On the whole body of the clergy, Charlemagne bestowed the legal claim to tithes. Already, under the Merovingians, the clergy had given significant hints that the law of Leviticus was the perpetual law of God. Pepin had commanded the payment of tithes for the celebration of peculiar litanies during a period of famine. Charlemagne made it a law of the empire; he enacted it in its most strict and comprehensive form as *investing the clergy in a right to the tenth of the substance and of the labour alike of freemen and serf.* The collection of tithes was regulated by compulsory statutes; the clergy took note of all who paid or refused to pay; four or eight or more jurymen were summoned from each parish as witnesses for the claims disputed; the con-

tumacious were three times summoned; if still obstinate, they were excluded from the church; if they still refused to pay, they were fined over and above the whole tithe, six solidi; if further contumacious, the recusant's house was shut up; if he attempted to enter it, he was cast into prison to await the judgment of the next plea of the crown. The tithe was due on all produce, even on animals. The tithe was usually divided into three portions; one for the maintenance of the church, the second for the poor, the third for the clergy. The bishop sometimes claimed a fourth. He was the arbiter of the distribution; he assigned the necessary portion for the church, and appointed that of the clergy. This tithe was by no means a spontaneous votive offering of the whole Christian people. *It was a tax imposed by imperial authority and enforced by imperial power.* It had caused one, if not more than one, sanguinary insurrection among the Saxons. It was submitted to in other parts of the Empire, not without strong reluctance. Even Alcuin ventures to suggest that if the Apostles of Christ had demanded tithes, they would not have been so successful in the propagation of the Gospel."

Mr Hallam says: "Charlemagne was the first who gave the confirmation of a civil statute to

these ecclesiastical injunctions. No one, at least as far as I know, adduced any earlier law for the payment of tithes than one of his capitularies" ("Middle Ages," vol. ii., p. 143).

In the same year, 787, Pope Adrian I. sent two legates to England to attend the Synod of Chalchyth (generally supposed to be Chelsea), where they strongly urged the payment of tithes according to the Mosaic Law. These were the first legates sent by the pope to England since Augustin's mission, a period of one hundred and ninety years. Bishop Stubbs, in his "Constitutional History of England," says: "In 787 tithe was made *imperative* by the legatine councils held in England, which, being attended and confirmed by the kings and ealdormen, had the authority of Witenagemots" (vol. i., p. 228).

Here then are some solid historical facts and not fictions for our guidance. The influence of the Roman Church over the English Church for about two hundred years was then being felt. In 597, when Augustin landed on our shores, the Roman Church had no power or influence in England. It was not so in 787, when legates of that church had for the first time visited this country. Then its influence and authority were such that, according to the statement of Bishop

Stubbs, quoted above, tithes were made *imperative by legatine councils* held in England in the year 787. He says the payment of tithes was made *imperative.* This is a strong expression. It is one thing to command them to be paid, it is another thing to make the people obey such command. I am of opinion that they were given as voluntary offerings, and the priests and bishops were glad to receive them as such.

Seven years after the meeting of this synod, viz., 794, Offa, King of Mercia (755 to 796), made a law granting the tithes of his whole kingdom to the Church. It is necessary to briefly state why he made this law. In his cupidity for an increase of territory, he caused Ethelbert, King of the East Angles, to be murdered while sojourning at his court as a suitor for his daughter. In 793 he seized Ethelbert's kingdom, and afterwards made a journey, or rather a pilgrimage, to Rome to obtain the pope's pardon for his cruel act. The pope granted him a pardon on condition that he would be liberal to the clergy. On his return to England, he made the above law in order to atone for his crime. The cause of granting the tithe of his kingdom was not creditable to the Church, nor could such a grant, under the circumstances, be acceptable to God.

I pass over Archdeacon Tillesley's fiction that "Ethelbert and his Parliament gave tithes upon the preaching of Augustin, the monk, about two hundred years before Ethelwulph" ("Animadversions on Mr Selden's 'History of Tithes,'" p. 186).

The next case of granting tithes in England was the law of Ethelwulph, passed in 855 at a general council or Witenagemot, which met at Winchester, and was composed of bishops and lay nobility. Here Ethelwulph, a weak-minded and superstitious prince, who called himself in the charter King of the West Saxons, but was really king of all England, with the two tributary kings of Mercia and East Angles, made a law by and with the advice of his Witan, granting tithes to the Church from all England, and not from his own estates alone. As this is supposed by some eminent writers to be the first law relating to tithes for all England, it is important to give a translation of the charter from Prideaux, chapter iv., p. 110.

A Translation of Ethelwulph's Charter granting Tithes.

"I, Ethelwulph, King of the West Saxons, by the advice of my bishops and other chief men of my kingdom, have resolved on a wholesome and uniform remedy, that is, that I grant as an offering

unto God, and the Blessed Virgin, and all the saints, a certain portion of my kingdom to be held by perpetual right, that is to say, the tenth part thereof, and that this tenth part be privileged from temporal duties and free from all secular services and all royal tributes, as well the greater as the lesser, or those taxes which we call Witerden; and that it be free from all things else, for the health of my soul and the pardon of my sins, to be applied only to the service of God alone, without being charged to any expedition, or to the repair of bridges, or the fortifying of castles, to the end that the clergy may with the more diligence pour out their prayers to God for us without ceasing, in which we do in some part receive their service.

"These things were enacted at Winchester, in the Church of St Peter, before the great altar, in the year of the Incarnation of our Lord, 855, in the third indiction, on the nones of November, for the honour of the glorious Virgin and mother of God, St Mary, and St Michael the archangel, and of the blessed Peter, prince of the Apostles, and also of our blessed father, Pope Gregory, and of all the saints.

"These were present and subscribing hereto, all the archbishops and bishops of England, as also Boerred, King of Mercia, and Edmund, King of

the East Angles, and also a great multitude of abbots, abbesses, dukes, earls, and noblemen of the whole land, as well as of the other Christian people, who all approved of the royal charter, but those only who were persons of dignity subscribed their names to it.

"King Ethelwulph, for the greater firmness of the grant, offered this charter upon the altar of St Peter the Apostle, and the bishops, on God's part, received the same of him, and afterwards sent it to be published in all the churches throughout their respective dioceses."

The population of England and Wales at this time could not have exceeded 750,000, with a million of acres under cultivation. The tithe in England was only then in its infancy.

The object of the king's charter, according to Ingulph, was to make a general grant of tithes payable as a *free-will offering*. Selden expresses a doubt on Ingulph's construction of this charter. The granting of the tenth part of the hides or plough lands denotes the tenth part of all the profits growing in them. (Selden, p. 206. Decimam omnium hydarum infra regnum suum a tributis et exactionibus regis liberam Deo donavit.)

At that early period in the history of our country, laws were not passed by representative assem-

blies, and in the same form as they are now. The Witenagemot, or national assembly, was not a representative body like our Parliament. It consisted of bishops, abbots, ealdormen, nobles, and wise men of the kingdom. The great body of ceorls, whose social position was between the thanes and serfs, had not the smallest share in the deliberations of the Witenagemot. The national assembly was therefore a small body, and met when and where the king wished. The bishops and abbots had generally taken the most prominent part in the Witenagemot.

It is asserted by some writers that Ethelwulph had only subjected the royal demesnes to the payment of tithes from which they were exempted before. I cannot endorse this statement.

I have already pointed out the influence of the Roman Church in England—(1) at the Synod of Chalchyth in 787; (2) over King Offa after his pilgrimage to Rome; and now we may observe the same influence at work when (3) King Ethelwulph, in 853, made a pilgrimage with his son Alfred to Rome, where he lived twelve months, devoting his time in devotional exercises. He returned to England in 854, and we can see by his tithe law of 855 what effect Roman influence had over his weak and superstitious mind.

There was no punishment stated in the charter in case of disobedience, and this fact indicates that the tithes were to be given voluntarily. The bishops and priests were perfectly well satisfied with the voluntary gifts which at first were given only by a few individuals. But as time advanced and ecclesiastical influence increased, the clergy used all their spiritual power to increase the number of individuals, and were so successful that the nation, then not numbering more than three-quarters of a million of people, gradually acquiesced in the *custom*, which afterwards became *a common right*, and, like many other customs, formed a part of the common law of England. So the payment of tithes here had been made by common law and not by any positive statute.

Ethelwulph's law of tithes was confirmed by his son Alfred, A.D. 900; by Athelstan, 930; Edmund, 940; Edgar, 970; Ethelred, 1010; Canute, 1020; by the Confessor, William I., and his successors. These confirmations merely gave force to the custom, and to the demands of the clergy for the payment of tithes. They also established the common law right. But it is not known when this common right of the parson commenced. In King John's reign the practice still existed of laymen appropriating the whole of the tithes, or two or

three parts to whatever monasteries or churches they wished.

I think this would be a convenient place to define the term "tithe," and to state the various sorts of tithe.

Tithe is "the tenth part of the INCREASE yearly arising and renewing from the profits of lands, the stock upon lands, and the personal industry of the inhabitants" (Blackstone).

Predial tithes are the crops and wood which grow and issue from the ground. Mixt tithes are wool, sheep, cattle, pigs, and milk. They are called mixt because they are predial in respect of the ground on which the animals are fed, and personal from the care they require. Personal tithes are the tenth part of the clear gain after charges were deducted; in other words, on net profits of artificers, merchants, carpenters, smiths, masons, and all other workmen. Even the servant-girls paid a tenth of their wages. The main scriptural passage quoted in support of personal tithes is Deut. xii. 6—"And thither ye shall bring your tithes and heave offerings of your hand."

By 2 and 3 Edward VI., cap. 13, sec. 7, "Every person exercising merchandizes, bargaining and selling clothing, handicraft or other art or faculty, by such kind of persons and in such places as

heretofore within these forty years have accustomably used to pay such personal tithes, or of right ought to pay, other than such as be common day labourers, shall yearly, before the feast of Easter, pay for his personal tithes the tenth part of his clear gains, his charges and expenses, according to his estate, condition, or degree, to be therein abated, allowed, and deducted." Sec. 9—"And if any person refuse to pay his personal tithes in form aforesaid, that then it shall be lawful to the ordinary of the diocese, where the party that soe ought to pay the said tithes is dwelling, to call the same party before him, and by his discretion to examine him by all lawful and reasonable means otherwise than by the party's own corporal oath, concerning the true payment of the said personal tithes." Sec. 12 —"Except the inhabitants of the city of London, Canterbury, and the suburbs of the same, and also those of any other town or place that used to pay their tithes by their houses, otherwise than they ought or should have done before the making of this Act."

Sir Robert Philimore states in his "Ecclesiastical Law," p. 1537, that this Act restrained the canon law in three ways. 1. Where the canon law was general that all persons in all places should pay their personal tithes, the Act restrains it to such

kind of persons only as have accustomably, that is, constantly, used to pay the same within forty years before the making of the Act. 2. By the ecclesiastical law, the bishop, before the time of this Act, might examine the party upon oath; but this Act restrains that course, so that the party cannot be examined upon oath. 3. By this Act the day labourer is freed from the payment of his personal tithes.

Personal tithes are not now paid in England, except for mills or fish caught at sea, not by the tenth fish, but by a small money payment, and then payable only where the party hears divine service and receives the sacraments.

Predial tithes were claimed on the gross value; personal on the net. Tithes were also divided into "great" and "small." The former were so called because they yielded tithes in greater quantities. The latter were so called because they were produced in smaller quantities. The law, however, has settled the definition by applying the terms to the nature and quality, and not to quantity. (Phillimore, p. 1485.) As a general rule, the rector took the "great" tithes, the vicar the "small," but sometimes we meet with a few exceptions to this rule.

As the tithe is the tenth part of the increase from

the land, then coal, lead, and tin mines, slate and stone quarries, turf, tiles, &c., are not tithable, because they are not the *increase* of the land, but part of the freehold, viz., the substance of the earth. Houses in towns and cities are not tithable, because they have no annual *increase* of the soil. Things wild by nature are not tithable, such as the fish of the sea or of rivers. But custom in all or any of the above cases may establish the tithe. (Philimore, p. 1483, &c.)

The modus decimandi, commonly called "modus," was this, that some fixed sum of money or quantity of corn, or other tithable goods, was taken by the tithe-owner instead of taking tithes upon every tithable article. This fixed sum or quantity was termed a *modus*. The customary tithes paid in the city of London is in the nature of a modus. (Philimore, p. 1502.) The Bishop of Exeter had tithes from tin mines of Cornwall. Sometimes a compensation in work or labour was given, so that the parson shall only have the twelfth cock of hay and not the tenth, in consideration of the owner's making it for him. In fine, a modus decimandi is any arrangement by which the general law of tithing is altered and a new method introduced.

It is important to note the following laws made

by King Edgar, who reigned from 959 to 975, and was the re-founder of about forty monasteries :—

(1.) Let every tenth part be returned to the mother church to which the parish is adjacent, of lands, of Thanes, and Villans.

(2.) If any Thane has a church in his fee where there is a cemetery, let him give it the third part of his tithe. [The remaining two-thirds were given to the mother church of the parish.]

(3.) If there is no cemetery there, let him give the priest out of his nine parts what he wishes. [In this case the whole of the tithe went to the mother church, and the Thane had, in addition, to pay something to the priest.]

(4.) If any man should refuse payment of his tithes, as we have said, let the bailiff of the king and of the bishop and the parson of that church meet, and let restitution be made by force to that church to which the tithe belongs, and let them send away the ninth part to him who detained his tithe, and let them divide the eight parts, one-half to the lord of the manor, and the other half to the bishop.

These, with other acts of King Edgar, clearly indicate the powerful influence Archbishop Dunstan had over him.

The second law quoted above was of great im-

portance. If it were carried out at the present day, the several daughter churches which have burial grounds would receive a share of the tithes enjoyed by the parish church. These district or daughter churches relieve the mother church of a large part of the spiritual duties of the parish. But the rector has some thousands a year, while the incumbents of the district churches, carved out of the parish, have each probably less than £250 a year. The mother church should be bound to give a decent maintenance to her offspring. There is no doubt that this arrangement would chime in with the original intentions of the person who endowed the mother church with the tithes of the parish. But here is the difficulty. £1,641,277 rectorial tithes are kept by lay impropriators, bishops, chapters, colleges, schools, charities, and hospitals. They will surrender no part of the tithe rent charge, except they are compelled by law, in order to augment the stipends of incumbents of the daughter churches. Again, there is a large number of resident rectors enjoying from £1000 to £3500 a year, while the incumbents of the daughter churches within their parochial limits have very small stipends. These facts point to a reform in the distribution of parochial revenues.

Parliament could empower the Ecclesiastical

Commissioners to collect all the tithe rent charge, and redistribute the same. They had received such power as regards the episcopal and capitular properties. But these properties and the tithe property are held on different tenures. Some thousands of private patrons have to be dealt with. To divide all the property equally, as some suggest, among the incumbents is purely socialism. May not the properties of laymen be similarly divided? Only twenty-six bishops and thirty cathedral bodies had to be dealt with as regards the episcopal and capitular endowments, which cannot be said to be private property. But it will be a most difficult matter to deal with the various interests of so many thousands of private owners of parochial property. The matter will require great caution and delicate treatment, because there is so much private property concerned.

CHAPTER V.

FROM A.D. 1000 TO 1215.

FROM A.D. 1000 to 1215 is a remarkable period in the history of the English Church and English monasteries. Monasteries were built and richly endowed with lands, churches, and tithes, either in whole or part. All these were conveyed by deeds of gifts to the perpetual use of certain monasteries. The benefactions were given for the special purpose of prayers being perpetually said by the monks in their respective churches for the repose of the souls of the donors and their relatives. In many cases the monasteries received only the tithes, without any churches; but when they received churches, with the cure of souls, then the monastic corporations became the rectors, and, in later times, but not at first, were bound to get the licence of the king and bishop to complete the scheme, so that their corporations may become perpetual incumbents. For many centuries the gifts were conveyed by layowners, without any reference to the king or bishop, for they were considered as private pro-

perty, which the owner may dispose of to whom he wished. This was afterwards changed, and a licence had to be obtained, as I have previously stated.

The Norman monks, after the Conquest, had first introduced the custom of appropriating the tithes, with the churches, to the monastic corporations. It was another piece of monkish trickery and cunningness to get money, and lands, and buildings. When they gained possession of the churches, with their tithes, either by free gifts or by the purchase of advowsons,—for the monks invested largely in such purchases,—they found it very profitable. As religious services had to be performed in the church appropriated to the monastery, the monastic body had either to depute one of their own fraternity in Holy Orders to do the duty, or appoint a deputy or vicar to act for them at a most miserable stipend. This latter alternative became the general rule. But the abbot or prior took care to get the lion's share of both tithes and parochial offerings.

The capitular chapters, nuns, and religious military orders imitated the practice of the monks, and received similar licences from the king or bishop. In the old appropriations of churches and tithes, the owners considered they were transferring a freehold property, and therefore thought the matter

did not require the bishop's confirmation. The patron conveyed the gift by placing the deed and a knife or cup upon the altar of the church of the monastery, as this was then the usual mode of livery of seisin. In the deeds of conveyances, some are given "Canonicis ibidem Deo servientibus," &c.; others, "Canonicis regularibus ibidem Deo servientibus," &c.; and, "Monachis ibidem Deo servientibus," &c.

It is stated in the Acts of the Third Lateran Council of A.D. 1179-80, "So far has the boldness of laymen been carried, that they collate clerks to churches without institution from the bishops, and remove them at their will; and, besides this, they commonly dispose as they please of the possessions and goods of churches." This council condemned the "arbitrary consecrations," as Selden calls them, of laymen. "Before the Council of Lateran (evidently the Third), any man might give his tithes to what spiritual person he would" (Coke's Reports, part ii. p. 44 (*b*).) Four English bishops sat at this council. Alexander III. was then pope. This council gave the death-blow to the arbitrary appropriations of tithes by laymen to whatever church or monastery they pleased. Some had given their tithes to parish churches, but from A.D. 1066 to A.D. 1200 they were all given to monasteries and capitular corporations, none to parish

churches. The decree of this council making void arbitrary appropriations of tithes was at first opposed by the laymen of England, and so the practice continued. But the English hierarchy, from that time, opposed the practice, and by degrees it gradually ceased.

Pope Innocent III., in a decretal epistle which he sent to the Archbishop of Canterbury about A.D. 1200, owing to the continued arbitrary appropriation of tithes by laymen in face of the decrees of the Third Lateran Council, enjoined the payment of tithes to the parsons of the respective parishes. But that epistle had no binding force on the lay subjects of this kingdom.

The arbitrary appropriations of tithes by laymen to monasteries, although according to their rights, were contrary to canon law. At a national synod held at Westminster in 1125 (25 Henry I.), it was constituted that no abbot, prior, monk, or clergyman should accept a church or title, or any other ecclesiastical benefice, from a layman without the authority and assent of his own bishop. The lay patrons paid no attention to this canon, because they thought it was an ecclesiastical encroachment upon the rights of property. It was a part of the supremacy over the civil power which the church was then usurping wherever she found weak

instruments. However, in the reigns of Richard I. and John, laymen's investitures gradually ceased. The Church became supreme. Archbishop Anselm was a great stickler for papal canons which inhibited the custom of lay investiture. The struggle continued after his death. The practice at the present time is, the patron nominates or presents, the bishop institutes, and the archdeacon inducts. But before the reigns of Richard I. and John, the lay-patrons nominated, instituted, and inducted. The bishop had no voice in the matter. This practice was condemned and made void by the Third Lateran Council of 1180.

At the General Council of Lateran, held in 1215, the arbitrary appropriation of tithes to monasteries or other ecclesiastical corporations which were not parochial was strongly condemned, and the tithes were commanded in future to be paid to the parish churches. This council therefore gave the parsons the parochial right to tithes. It certainly did appear very wrong and even wicked to enrich ecclesiastical bodies with the tithes, and ignore the parochial clergy who did the work, and who were living in a very poor state. But we find that when the parsons received the tithes they became wealthy, indolent, and vicious. We have the testimony of Wickliffe for this statement. No

man could write or speak stronger than he did against the conduct of the monks and secular clergy of his time.

In King John's reign the papal power was supreme in England, and therefore the canon law gained strength as England became weak, particularly after Pope Innocent III. issued his interdict against the kingdom.

The decrees of the Council of Lateran, A.D. 1215, had not disturbed the then existing appropriations of tithes to monasteries, but were directed towards the future, and made void all new grants of tithes to monasteries after the date of this council. This council is a landmark for the following arrangements. (1.) The tithes of parishes which, before 1215, could be given by the owners of the property to any church they pleased either in or out of the kingdom, were henceforth to be given only to the parsons of the parishes from which they arose. (2.) The tithes which had been appropriated to persons out of the parishes were continued to be given to them. (3.) The tithes which the parsons possessed before 1215 could not be appropriated afterwards to any other persons. Therefore the tithes which rectors received were those which they possessed at the date of this council, and all tithes created after 1215. The parish system, which commenced

about A.D. 700, was completed about A.D. 1200, covering a period of five hundred years. It is supposed that the whole of England was then divided into parishes, and that each parish had its own clergyman. These parishes were gradually formed without any act of the king or of his Witenagemot.

Every man was compelled to pay tithes of his property, but was free to give them to whatever religious body he pleased, either in or out of the kingdom. The Council of Lateran restricted the tithe-payers to the payment of tithes to the parsons of parishes alone. Hence it was designated the parson's common right, which had not been previously enforced. So we may trace tithes (1) as free-will offerings, (2) compulsory payment to some religious body, (3) compulsory payment only to the incumbents of parishes. It is an error to state that all the tithes of England were given freely to the Church; I have stated enough to show that it was not so. The papal power which ignominiously took possession of England and gave it back to King John, to be held by him as a vassal to that Church, was the same power which gave parsons parochial rights to tithes, and deprived laymen of their rights over the disposal of their own property. Pope Alexander III., and

especially Innocent III., carried out Hildebrand's scheme of supremacy over the civil powers.

Tithes appropriated to monasteries were of two kinds—(1) Monastical, (2) Parochial. With reference to the first, the monastic bodies performed no spiritual functions for the tithes which benefactors had granted them out of demesnes which had no churches annexed. They had also what is called "pensions," that is, a part of the tithes of some parishes, the remainder going to the resident parish priest. The monastic bodies considered they did their duty for these tithes in distributing alms to the sick, the poor, and the stranger who called at their gates; and also in saying masses perpetually in their churches for the souls of their founders and benefactors, and those of their heirs and other relatives.

As regards the second case, they received churches with tithes annexed as a free gift from the owners, and had the cure of souls. They purchased the advowsons of other churches. They appointed and paid resident vicars for the performance of the spiritual duties of the parishes. But how did they remunerate the vicars? They paid them what they liked; and as the salaries were not fixed, they were varied from year to year as it suited the caprices of the monks, who received all the offerings

and oblations given by the faithful to their churches. The vicars' wretched salaries produced great scandal and complaints. The preaching friars and John Wickliffe opened the people's eyes as to the monastic luxuries and the poverty of the vicars whom they employed to do their work. The age of building monasteries and granting extravagant endowments had passed, never to be revived, but there was a growing tendency to sweep them all away. The niggardly manner in which the monks and other ecclesiastical bodies paid their vicars induced Parliament to pass an Act in 1392 (15 Richard II. c. 6), "That the bishops should ordain a competent sum, in proportion to the wealth of the church, to be distributed among the poor parishioners annually, and that the vicar should be sufficiently endowed." Innocent III. complained about A.D. 1200 that the poor instead of the priests received the tithes. Two hundred years after, Parliament had to interfere in the interests of the poor. What do these facts indicate? That parish priests kept not only the tithes but the offerings of the people for their own use, and that the other religious bodies squeezed all the "great tithes" and offerings of the appropriated parishes, without making any provision for the poor. The second point in the Act of 1392 was the miserable endowments of the vicars. But as the

vicar was liable to be dismissed at any moment by the appropriator, he was not likely to insist too rigidly on the legal sufficiency of his stipend, and so the wretched salary was continued. Richard II.'s Statute had not the desired effect as regards the vicar's salary, and I presume a similar effect in reference to the relief of the poor.

The mistake which Richard's Parliament made was in leaving the arrangements to be carried out by the bishops, instead of the Legislature laying down distinct rules. This we find was done in 1403, eleven years afterwards (4 Henry IV. c. 12), when it was enacted that, "In every church so appropriated, a secular person be ordained vicar perpetual, canonically institute and induct in the same, and conveniently endowed by the discretion of the ordinary (1) to do divine service, (2) to inform the people, and (3) to keep hospitality there, and that none of the religiosi [monks or friars] be made vicars in any church so appropriated."

It may appear strange to learn that a remnant of this system still exists in our days. The bishops, chapters, universities, colleges, schools, charities, hospitals, and Ecclesiastical Commissioners who possess the rectorial tithes, give but a small part of them to the vicars who are performing all the parochial duties. The pernicious system of the

monks is thus perpetuated. The reports of the Ecclesiastical Commission of Inquiry in 1835 disclosed a frightful state of neglect and waste of church revenues, which the Ecclesiastical Commissioners appointed in 1836, have during the past fifty years, strenuously endeavoured to rectify, and to improve their distribution. But the Commissioners cannot disturb the existing law as regards the rectorial tithes held by laymen and lay-women, colleges, schools, &c., who are not connected with the parishes from which they receive the tithes. The parochial clergy receive a little more than half of all the tithe-rent charges of the country.

The vicar perpetual of Henry IV.'s Act must not be confounded with the later title, "perpetual curate." There is this remarkable distinction between them. The former is endowed with the vicarial tithes. The latter is appointed by the appropriator, or impropriator, without any endowment from tithes, so that in such cases the rectorial and vicarial tithes, as well as landed or other endowments, have been taken away from the parish.

By the Statutes of 1392 and 1403 the vicar received a portion of the glebe lands belonging to the living and the "small" tithe which the appropriator found most difficult to collect. The rector himself—one of the bodies stated above—received,

as he or she does at the present day, the "great" tithes. The most important part of Henry's Act is in giving the vicar a permanent position in the parish during his life. But the freehold tenure for life has been grossly abused. The abuses have much decreased in certain directions within the past fifty years, not by any wish on the part of many of the holders, but by the force of public opinion, and by the vigilance of Nonconformists not only in preaching the Gospel themselves, but by exposing and bringing to light the many and various abuses which flow from the freehold tenure of incumbents of the church. The most dangerous and alarming abuses of the clerical freeholder, called by some the parochial autocrat, has occurred within the past fifty years. I mean the so-called "Catholic Revival" within the Church of England. I have introduced this as an illustration to show how the clerical freehold tenure can be abused, and that vitally. As this topic is foreign to my subject, I shall not continue it, except to remark that the so-called "Evangelical Party" has equally abused the tenure by making the Church puritanical, by neglecting parish work, closing their churches from Sunday to Sunday, by living in a state of torpor and indifference to all spiritual work in their parishes. If incumbents had some parochial coun-

cils to control them, the freehold tenure would not be so abused. But in the absence of any parochial check, the incumbent is absolute within his parochial limits. This is the weakest point in the parochial system. The tenure should be limited to five years, like staff appointments in the army, then he should seek re-election or seek another sphere of labour elsewhere.

It is estimated that at the time of the Reformation there were about eight thousand five hundred parishes in England and Wales, and therefore the same number of rectors. Of this number about three thousand five hundred were appropriated with their tithes and churches to monastic, episcopal, capitular, and collegiate corporations. These corporations then became the rectors, and received the tithes and other emoluments of the parishes. In such appropriations the rectorial tithes were alienated from church purposes within the parishes. The system, as I stated, commenced with the monks, and is still perpetuated within the church. As the corporations could not discharge the religious functions of the parishes of which they were rectors, and from which they received the rectorial or "great" tithes, they appointed deputies, called "vicars," to reside in the parishes and to do the parochial duties for them. There were about five

thousand parishes which were not thus annexed. The old vicars before the Reformation must not be confounded with the modern vicars. There were three classes of incumbents, viz., the rector, vicar, and perpetual curate. A large number of new rectories, vicarages, and perpetual curacies have come into existence since the Reformation, and especially since 1818, when the Church Building Society was formed. The number of benefices in England and Wales in 1831 was 10,540. Since then about 3200 have been formed, so that in 1887 the number may be taken as 13,740. Therefore, since the Reformation 5240 new benefices have been created. 13,824 incumbents and 5795 curates are now actively employed in the work of these parishes. In round numbers we may take 20,000 as the total number of working parochial clergy in A.D. 1887.

By a recent Act of Parliament, perpetual curates are entitled to be called "vicars," and many incumbents of district churches are, by recent Acts of Parliament, called "rectors;" for example, the 101 district incumbents appointed under the Parish of Manchester Act of 1850 are all called "rectors."

I now return to the history of tithes. Alexander III., who was pope from 1159 to 1181, was very active in writing to archbishops and bishops

of foreign churches, commanding them to order the people to pay tithes. In 1170 he wrote to the Archbishop of Canterbury and to the Bishop of Winchester on the subject. The former prelate held a Provincial Synod in 1175 at Westminster, at which were present King Henry II., his crowned son, and all the bishops and abbots of the province. At this synod the pope's letter for the payment of tithes was read. In compliance with such orders, the synod commanded all tithes to be paid on crops from the ground and from trees, of young animals, of wool, lambs, butter, cheese, &c. Curses and excommunications were hurled against all and everyone who would not pay the tithes.

The Archbishop of York, twenty years after (1195), held a similar synod in his province, which also commanded the payment of tithes; and this synod, like that of Westminster in 1175, wound up its business with curses and excommunications—the great bug-bear of those days—against all who would not pay tithes. These archbishops were only acting up to orders from Rome. They were tools in the hands of the popes to carry out their instructions, that is, of a foreign bishop who usurped supremacy over all other Christian churches.

It is very remarkable that in the Domesday

Survey of 1086, very few references are made to tithes among the church revenues. Why is this? An answer, which I do not endorse, is given in the "National Church," vol. vii. p. 174, for 1878, thus, "Domesday Book is a survey of landed taxable property, not of mere income, and this is why tithes are not mentioned in it." It is important to note that the appropriation of tithes to monasteries is limited to the period between 1066 and 1215. Up to the time of the Conquest, laymen did not appropriate tithes to monasteries. We find in the deeds of grants, lands and churches. In the survey there were 1700 parish churches and chapels, and 995 priests. The population was then about one million and a quarter. There is no record in the survey of any tithes having been paid to churches in the following six counties, viz., Middlesex, Cornwall, Devonshire, Somersetshire, Hertfordshire, and Leicestershire. There is no record of any parish churches in the following three counties, viz., Bedfordshire, Bucks, and Surrey, and but one in Worcestershire. The tithes must have been given to the monasteries or some other ecclesiastical bodies.

CHAPTER VI.

FROM A.D. 1215 TO THE DISSOLUTION OF MONASTERIES.

THE most important canon of the English canon law for the payment of tithes, was that passed in 1295 (23 Edward I.), at a Provincial Synod held in London by Archbishop Winchelsey, who was consecrated 1294, died 1313. The canon sets forth, that on account of the various quarrels, contentions, and scandal arising between rectors and their parishioners, as regards several customs then in use of paying tithes, some uniform claim was necessary to be set forth. It then orders that tithes were to be paid on the gross value of all crops from the ground, from trees, herbs, and hay. It also sets forth how tithes were to be paid on the produce of animals, lambs, and wool. If sheep were fed in one place in winter and in a different place in summer, the tithe was to be divided. Similarly, if any one should buy or sell sheep in the middle of the time, and it was known

from which parish they came, the tithe of these sheep must be divided, as it followed the two residences. But if it were not known, then that church should have the whole tithe within whose limits at the time of shearing they were found. It further states how milk was to be tithed, and that tithes were to be paid for the pasture of animals, according to their number and the number of days. Tithes were to be paid on mills, fisheries, bees, &c., &c., which were yearly renewed. There was nothing in this canon about paying tithe on timber wood, because it was part of the inheritance of the land.

The canon then passed from predial to personal tithes. Artificers and merchants were to pay tithes of the profits of their business, and carpenters, blacksmiths, weavers, and all other workmen working for wages, were to pay tithes of their wages. This meant, that after deducting all reasonable and necessary expenses, they were to pay the tenth part of the profits.

The rector was also to receive his mortuary fees, viz., the clothes worn by the person before dying, also a horse and cow. These fees were to be paid as a satisfaction to the Church for the personal tithes which he had forgotten or wilfully neglected to pay in his life-time. Henry VIII.

fixed a money payment in lieu of the mortuary fees. This was the origin of burial fees. If parishioners would not pay their tithes, they were to be excluded from the Church until they did, and if they continued contumacious, other ecclesiastical censures would follow.

In 1344 a canon was passed at a Provincial Synod of Canterbury, held at St Paul's, London, that all kind of timber wood was tithable. This canon led to bitter strife, because wood had not been previously tithable, for, like mines and quarries, it was part of the inheritance of the land. Timber wood was not tithable in the important canon of 1295.

In reference to making canons at synodical meetings, it was both profitable and pleasant work for ecclesiastics. The laymen who had to pay, were not permitted to express an opinion in the matter. The tithe system was a very elastic band. It was stretched as population and agriculture increased. We have the principle of development exhibited in a remarkable degree in the tithe question. As the power and influence of the bishops of Rome increased in the dark and middle ages, so did tithes. Yet we are told that tithes were the voluntary offerings of private individuals. I admit this to a limited extent. The question is,

Did all the landowners voluntarily grant tithes of the produce of their lands to the rectors of parishes? The synodical meetings to which I have referred prove that they were not given voluntarily, but were arbitrarily exacted by the anathemas of the Church.

Things became tithable, according to the last-quoted canon, which were not thought of in the days of Kings Offa and Ethelwulph. Provincial synodical canons of the dark and middle ages had a pretended binding force upon the people. But those ecclesiastics had just put the last straw upon the donkey's (people's) back in their synod of 1344. The young British House of Commons, then only seventy-nine years old, was roused to opposition. In 1345, 1347, and 1352, the House petitioned King Edward III. against the canon of 1344, but the petitions led to no satisfactory result. However, the Commons succeeded in 1372 in limiting the power of the canon. It was enacted (45 Edward III.) that trees of twenty years' growth and upwards should not be tithable, and that if a suit should be commenced in any spiritual court for the payment of such tithes, a prohibition should issue. This was the first victory gained as regards tithes by the House of Commons. The failures of 1345, 1347, and 1352 were caused by ecclesiastical

influence exercised over the king. There have been previous Acts on Church questions, such as the Mortmain Act of 1297, which was a much bolder step than that of 1372, but it was rather the production of King Edward I. himself than any action of the House of Commons, owing to the nervous state of feeling among the lay nobility to check the alienation of property to the monasteries which deprived the king of help towards the defence of the country. The nobility were also becoming extremely jealous of the growing power and the luxurious living of the monastic bodies, and also of the Church dignitaries.

The Statute of Mortmain had forbidden the subjects from bequeathing lands and tenements to the religiosi without the king's licence. But it was eluded by licences of alienation. Here we have another instance of ecclesiastical ingenuity in devising plans to evade the law. Testators left property in perpetuity to support priests to pray for their souls. Hence originated thousands of chantries, which afterwards followed the same fate as the monasteries. A large proportion of landed property had thus indirectly passed into the hands of the Church. This went on until 1531, when an Act was passed that all such wills were not to hold good for more than twenty years. The Legislature

very wisely thought that twenty years' prayers were quite sufficient to get a testator's soul out of purgatory.

The House of Commons was not a century old when it brought in a bill, "That no statute or ordinance of the clergy be granted without the assent of the Commons, and that the Commons be not subjected to any constitutions *which the clergy make for their own advantage*, without the assent of the Commons, for the clergy do not wish to be subjected to any statute or ordinances made by the Commons without the consent of the clergy" (Selden, pp. 228-238).

From the angry tone of the Commons on the canon of 1344, may we not naturally infer that if the House existed in 1175 or 1195 when canons were passed for the payment of tithes, or was a little older in 1295 when the most important canon was made, that "They would not be subjected to any canons which the clergy made for their own advantage without the assent of the Commons?"

In the "Englishman's Brief for his National Church," to which I have before referred, it is asked (Q. 21), "Is it not hard on the cultivators of land that they should have to pay tithes on its produce?" The answer is, that there is really no hardship in the matter. "If a person rents land

which in every respect is tithe free, he pays so much more rent for it; if it be subject to tithes he pays so much less. In any case he pays the same amount, &c." May not the same argument be applied to manufactured goods, houses, &c.? Why are personal tithes not now paid? There is a supposed Scriptural authority for their payment. Why should the whole burden of paying tithes fall upon land?

It is stated in the "Brief" that the payment of tithes is as lawful and should be paid as regularly as rents, rates, and taxes. There is this very marked difference between the two payments. There is a *quid pro quo* for rents, rates, and taxes. But in many cases there is none for tithes. The tax is most objectionable and even scandalous when paid to lay impropriators, rich colleges, and schools. Even the one-fourth of the total of the tithe rent charge which they receive would give some local relief to poor struggling farmers in the reduction of their rates and taxes, or paying school fees for their children. It is a fact that the above tithe owners never contribute a shilling towards the parishes from which they draw so large a revenue. Then there is that large extent of abbey lands which is completely free from tithes, and which enables the landowners to obtain a much higher rent than those whose lands are tithable.

The Earl of Selborne makes the following remarks in his pamphlet entitled, "The Endowments and Establishment of the Church of England":—"The rectorial tithes of Selborne which belong to a college at Oxford [alienated priory property given to Magdalene by Henry VI.] were, in 1882, £447; the vicarial tithes, which alone belong of right to the Vicar of Selborne, were £336. The rectorial or lay tithes of two parishes in Basingstoke, also belonging to a college or colleges at Oxford, were in the same year £1617. A lady received the rectorial tithes of Bishop's Sutton, amounting to £1431, and one of the London companies, those of Chertsey, amounting to £1112." This is but a sample of the distribution of tithe rent charge. If we could but get a statement like the above to cover all the ground, it would open the eyes of the public as to the distribution and the recipients of the tithe rent charge outside of the parochial clergy.

In the "Brief" it is asked (Q. 28), "Were not many of the endowments which the Church of England now holds, given to the Church of Rome?" No, is the answer, and adds, "Not a single endowment was given to the Church of Rome." Both question and answer are misleading. The Church of England was never the Church of Rome. The

correct way to put the question, but which would not suit the editor of the "Brief," is, Were not many of the endowments, which the Church of England now holds, given to her when she held the same doctrines as the Church of Rome? Yes. The main object of the grants and endowments of lands, churches, tithes, &c., was that perpetual prayers should be offered up by the recipients and their successors for the souls of the benefactors, their families, and relatives. The benefactors believed in the doctrine of purgatory, and in the efficacy of prayers to bring their souls out of it. The Church of England in pre-Reformation days believed and taught the same lucrative doctrine. She also taught that works of charity and not faith were stepping stones to heaven. If two churches, A and B, held the same doctrines, and B received large endowments in tithes, lands, &c., in support of such doctrines. Centuries afterwards B repudiates the doctrines by the teaching of which she had obtained the endowments, but still keeps them. Is it honest under such circumstances to keep the endowments? Certainly not. But it is urged, "All these endowments have been swept away, and confiscated to the Crown" ("Brief," p. 52). This is not quite true, for a large part of the lands and tithes belonging to the alien priories are now

enjoyed by some of our wealthy colleges and public schools. Add to this the fact that Henry VIII. endowed out of the confiscated monastic property six bishoprics and capitular chapters, of which five exist at the present day. These facts are carefully kept out of the "Brief," and the readers are led to believe that *all the monastic endowments* were confiscated, and nothing was given back to the Church. Again, Christ Church, Oxford, the aristocratic college for the sons of our nobility, was built and endowed out of the property of the forty monasteries confiscated by Wolsey. This is one of the richest colleges in Oxford, if not the richest. Again, the eight conventual chapters, when changed, were left in possession of almost all their monastic endowments.

A large part of the episcopal and capitular endowments were originally monastic property. The year 1836 was a turning point in all these endowments. The 6 and 7 Will. IV., c. 77, created the Ecclesiastical Commission. The Commissioners utilised these endowments for the purpose of augmenting the incomes of the parochial clergy. The incumbents received up to 1885, £739,000 per annum in perpetuity towards the augmentation of their incomes. Add to this the enormous sums spent on parsonages and the erec-

tion of new churches. The average net income of the "Common Fund" is more than one million a year. *A large part* of these funds has come from what were originally monastic endowments, which were given by benefactors for *specific purposes* stated in their "trust deeds," which may be read in the "Monasticon." So some thousands of incumbents are at the present day in receipt of augmentations from the "Common Fund" to their yearly stipends from some lands originally monastic, and from some cathedral property which was given to the cathedral bodies when the Church of England had the pope as its spiritual head, and when it held exactly the same doctrines as the Church of Rome.

The duties performed by the parochial priests for the tithes were their regular duties, including (1) saying mass, (2) praying for the dead, and (3) invoking the saints. But the mass has been suppressed, the dead are not prayed for, and the saints are no longer invoked by those who now enjoy the tithe rent charge. It is stated in the "Brief," that "When the principal parochial endowments were given, papal supremacy was not admitted by the Church of England, and Roman doctrines were not held." If by "Roman doctrines" is meant the innovations introduced into the Roman Church by

the Creed of Pope Pius V., founded upon the Council of Trent, then the "Brief" is correct. But this is not, I think, what the "Brief" means. I shall explain how the "Brief" is wrong in the above quotation. The endowments were not all given at once but were gradually added for about 800 years. The parochial endowments commenced on a small scale in the latter part of the seventh century, and increased in the eighth and ninth. But these were not tithes, but consisted of church, parsonage, and glebe. In the middle of the ninth century, when the pope had undoubtedly exercised power over the Church of England, tithes were given as free-will offerings on a small scale; they increased, and so did the pope's power over the English Church, in the tenth and up to the middle of the eleventh century. The Norman Conquest, in 1066, made a change. The Norman monks who looked on the pope and obeyed him as the supreme head on earth of the Christian religion, introduced a new plan by inducing landowners to appropriate churches, and lands, and tithes to them. To give an idea of the enormous impetus which had been given to the erection of monasteries from 1066 to 1215, or 149 years, there were 427 monasteries erected in England, with extensive endowments of lands and tithes. I have selected 1215, for, by the

Council of Lateran, tithes were henceforth to be paid to the parochial clergy, thus abolishing from 1215 all appropriation of tithes from parishes. At the Conquest, there were only about 100 monasteries in the land. In 1215 there were about 527. The decadence of building and endowing monasteries commenced with the reign of Richard I. (1189). Tithes were not given to monasteries until after 1066. From 1066 to 1215 the monasteries had received the tithes of some thousands of parishes. Of course, they put vicars in the parishes to do the duties, and allowed them certain stipends. The question now is, In what respects did the Church of England differ in doctrine and discipline from the Church of Rome from the eighth to the thirteenth century, and from the thirteenth to the sixteenth century? The parochial system continued in course of formation for 500 years, viz., from A.D. 700 to A.D. 1200. During these 500 years the Church received "the principal parochial endowments." It cannot be stated with truth that "Roman doctrines were not held by the Church of England" during these 500 years. Neither can it be said in truth "that papal supremacy was not admitted" into the Church of England, during the same period.

There is no doubt whatever that the tithes would never have been given by the original donors to a

church whose ministers not only ignore but utterly detest the mass, praying for the dead, and invoking the saints. To support this statement, I shall give a quotation from a speech delivered in the House of Lords by Archbishop Howley in 1840, when speaking on the Cathedral Bill. "They must consider," he says, "in what times many of the donations of property were made. The persons who had made them might, and probably would, if living in the present day, wish to see them applied in a very different manner." These remarks were made in reply to the following observations delivered in the same debate by Dr Sumner, Bishop of Winchester. "What right," he asked, "had the Legislature so to deal with property given for *certain specific purposes*, not by the State, but by individuals for ever?" The archbishop pointedly stated, in the speech quoted above, that the "certain specific purposes" existed no longer. ["Hansard's Debates, House of Lords," 1840.]

Again it is stated in the "Brief" that tithes are not endowments (!) and that they were given "without any specific condition being attached to their payment." Is it reasonable to think that tithes were given to the parish priest without a "quid pro quo"? Is not the "quid pro quo" implied in his office? The "Brief" further observes,

p. 52, "It is an interesting work for all zealous people concerned in such matters to see, as a matter of public trust, that those who now possess such property [the confiscated monastic property] shall fulfil the conditions attached to its original grant or bequest." I cannot defend for one moment the enrichment of the nobility and gentry of this country with church spoliation. But I ask myself the question, Do the Bishops of Chester, Gloucester, Bristol, Oxford, Peterborough, and their respective cathedral chapters, "fulfil the conditions attached to the original grant or bequest of the property which they possess?" We must not forget that the king who endowed the above bishoprics and chapters passed the Act commonly called "The Whip with its Six Strings;" and, further, that he died in the full belief of the doctrines of the Church of Rome, then taught in the Church of England, of which he was the supreme head.

The distinction between "Jus Parochiale" and "Jus Commune."

The former was the right of having the cure of souls and the offerings and oblations of the parishioners, but without any right to tithes. There may be "jus parochiale cum decimis."

The latter, or "jus commune," originated in free-will offerings. The tithes were first given by custom and as a free gift by any person who wished. From a custom on the part of some, it became a common right as regards all. The canon law gave the rector this common right to the tithes of his parish. But no secular law of England gave him the right. (Selden, pp. 361, 362.)

There were large tracts of lands throughout the country which were extra parochial. Who were to get the tithes of them? The canon law answered, the bishops, because they were entitled to the tithes of lands within the limits of their dioceses which were not assigned to any parish. This law would include the king's demesnes and forests. The following is a case of sharp practice on the part of bishops acting up to the canon law. It is well known that the Anglo-Saxon kings had endowed many monasteries with extensive lands, a good deal of which were waste lands. At great expense and labour the monks brought the lands to a productive state of cultivation. Then the bishops stepped in and claimed by canon law the tithes from the lands upon which they did not expend one shilling. But by common law, which overruled canon law, the kings of England alone had had the arbitrary disposition of the tithes

of these lands (Selden, pp. 365-368), *e.g.*, King Edward I. granted by his charter in 1294 to the Cathedral Church of Carlisle, the tithes of certain lands and places within the royal forest of Englewood which were extra parochial. The king in his forests may build towns and churches, and confer such churches with the tithes thereof on whom he pleased. (Philimore, p. 1487.)

CHAPTER VII.

MONASTERIES.

IN giving a history of tithes, it is absolutely necessary to give a brief sketch of the monasteries and monastic property in England.

Immediately after Augustin came to England, the age of building monasteries commenced. Before his arrival there were but a few monastic establishments in the island, not of the Benedictine order. The first British monastery, properly so called, was established at Glastonbury by St Patrick about A.D. 433. Previous to his arrival there was a sort of hermitage there, but when he came, he formed the hermits into a society, framed monastic rules for their guidance, and made himself their abbot.

A monastery was a place where people of both sexes lived alone, secluded from the common employment of the world for sacred studies and devotion. The British monks and nuns married until the Benedictine rule was rigidly enforced by King Edgar and Archbishop Dunstan in the tenth

century. The religious houses may be classified thus—cathedral churches, abbeys, and priories. There were four chief officers in the abbeys and priories—(1) the chamberlain, who provided the monks' clothing; (2) the cellarer catered for them; (3) the treasurer or bursar collected their rents and other revenue, and paid all their expenses; (4) the sacrista or sexton took charge of the buildings and church, and all the utensils, books, pictures, &c., in them.

The Benedictine monks were originally laymen, working in a very praiseworthy manner with their hands to support themselves. Some were ordained as the needs of the monastery required, and, although ordained, they were still monks, and resided within the walls of their convent.

A glance at the names in the "Monasticon" of the founders of monasteries in the seventh century will show what a hold the monastic life had taken at that early period upon the Anglo-Saxon kings and nobles. But we must look to the Norman Period, for the full development of monastic institutes in this country. The mode of life and dress of the monks, fascinated and struck the Anglo-Saxons with awe. All these monasteries were richly endowed with extensive estates. They also monopolised the rich mortuary fees. The treasures

of the Anglo-Saxon kings, of their families, and wealthy laymen, were poured into the monasteries. But the time was fast approaching when all those costly buildings, rich treasures, and priceless libraries were to be swept away and destroyed by foreign savage hordes. The Danes made their first appearance in England A.D. 787. They were implacable enemies of the Christian religion. Between 858 and 878 they rifled and burnt the British monasteries. Plunder was always their game, and therefore they first attacked the monasteries because they were defenceless, and contained immense wealth. This vandalism was disastrous to the nation, because it dried up the only channel of learning and education in the land, and destroyed the only existing libraries. The monasteries were the treasure-houses of charters and privileges granted by kings to nobles from time to time, and which were deposited for safety in those sanctuaries. A carefully-written history of the country was also kept in many of the monastic libraries. The destruction of the monasteries by the Danes, and the dispersion of their inmates among the villages, gave a powerful impetus to the erection of more parish churches; for, after the departure of the Vandals, it was much cheaper to build a wooden church than to rebuild a monastery. The monastic churches served, up to the time of their

destruction, as the parochial churches in many places. When these were destroyed, the nobility, wealthy landowners, and bishops exerted themselves to supply not only the deficiencies, but to increase the number of parish churches. The inmates of the monasteries scattered through the villages took, no doubt, an active part in church-building.

The monasteries remained in ruins until the reign of King Edgar, who was a great supporter of the Church, and seemed to be under the complete control of Archbishop Dunstan—the first Episcopal pluralist—the originator of a practice, contrary to the primitive custom of the Church, which, in subsequent centuries, after Dunstan's time, was carried to a most scandalous extent. Wolsey, in more modern times, held several bishoprics at the same time, and yet one of his great objects was to reform the Church. But he should have commenced at home. At the time of the Church Reform Act of 1836, fourteen out of the twenty-seven bishops (including Sodor and Man) received £40,000 a year from *commendams*, a practice which then gave as much offence as the old system of heaping several bishoprics on one man.

The ostensible reason assigned in Dunstan's time for Episcopal pluralities was, that there was a

dearth of suitable men for the appointments, but the real cause was, as in the case of Bishop Oswald, to carry out the scheme of removing the seculars, and bringing the monks into the cathedral churches.

The leading church ideas of King Edgar during his reign were (1) to rebuild the monasteries which lay in ruins, and (2) to drive the married clergy out of the convents, replacing them by monks. Dunstan, Athelwold of Winchester, and Oswald of Worcester (afterwards of York) were the king's chief agents in carrying out his schemes. It does not appear that any of the other bishops had taken a share in the work. Before King Edgar's reign the monasteries were filled with secular clergymen, who did spiritual duties outside their monasteries.

The English monks passed through three reformations. (1.) At the Council of Cloveshoe, A.D. 747, where no reference was made to Benedict's rule, although it had been framed in 529, and approved of by the Pope in 595. (2.) At the Council of Winchester, A.D. 965, where Benedict's rule was prominently set forth for general adoption. The monks were henceforth to confine themselves to their cloisters, to have no parochial cure of souls, and to adopt celibacy. These facts alone prove that the discipline of the Roman Church on the Continent was imported into the English

Church long before the Norman Conquest. Some writers, in treating of tithes and church endowments, strive to show that the Church of England, before the Norman Conquest, had not the same doctrines and discipline as the Roman Church. The object of this line of erroneous argument is to show, that the endowments of the Church of England were given to her, when her doctrines and discipline were different to those of the Roman Church. The system of development was going on in the Roman Church on the Continent, and then introduced and adopted in the Church of England by her hierarchy and priests. (3.) At the Council of London, 1075, where the monks were enjoined to adhere more strictly to the rule of Benedict.

As I have stated above, before King Edgar's reign the monasteries were convents of secular married clergy, whose children kept up a monopoly of all the valuable appointments in the establishments. The result was certainly most pernicious to church and people. The clergy grew more and more indolent and illiterate, and their thoughts were entirely absorbed in the worldly affairs of their families, to the neglect of their spiritual duties. Although the monks had many faults, yet the English nation owes them a large debt of gratitude. They were better educated than the secular clergy,

more refined, and therefore better able to raise the standard of civilisation in the country. That is what the married canons could not have done. The monasteries were the only schools where the children of the kings, nobility, and gentry could be educated. King Edward the Confessor received his early training in the monastery of Ely. Their schools formed models for our most ancient universities. The monasteries were like so many burning torches in the midst of darkness and ignorance, and were the only sources which could then supply men intellectually capable of occupying episcopal positions. Some of the noblest benefactors to the Church were bishops taken from the cloisters.

The Norman Conquest.

At the time of the Conquest, there were in England about one hundred monasteries and cathedral churches, possessing about one-twelfth of the land. Great changes had taken place in reference to the chief appointments in the churches and monasteries. There were nineteen bishoprics in England and Wales exclusive of the Isle of Man. Most of the Saxon bishops and abbots were replaced by Normans. The change was good. Some writers censure the Norman rulers for the change. A better educated and more refined class of men took their

places. A careful study of their lives and acts, as recorded in the "Monasticon," will corroborate my statement.

All the property given to the religious houses in Anglo-Saxon times was held in common. But the new Norman bishops changed this arrangement in the cathedral churches. They assigned what revenues they thought fit to the canons as a common fund, and kept the rest of the church lands for their own personal use. These bishops had also initiated another innovation in the distribution of the cathedral revenues which existed until 1840. They gave separate endowments of lands or tithes or both to the deans, priors, and other principal officers of the cathedral churches for their own personal use, and separate from the common fund, of which they also had their shares. Some of the Norman bishops purchased landed estates out of their episcopal revenues, which they divided into prebends, with which they endowed prebendaries. The prebendal endowments ceased to be formed about the thirteenth century. The Cathedral Act of 1840 had taken away these separate endowments for the benefit of the common fund managed by the Ecclesiastical Commissioners.

At the time of the Conquest, the nineteen Cathedral bodies were composed of secular canons,

except two, viz., Winchester and Worcester, which were composed of Benedictine monks. These two were subsequently increased to eight, viz., Canterbury, Durham, Carlisle, Ely, Norwich, and Rochester, and they so continued until the Dissolution, when they were formed into secular chapters by changing the priors into deans, and the chapters into canons. The fact that there were only two conventual chapters at the Conquest, indicates that the seculars more than held their own in face of the powerful patronage and protection of King Edgar and Archbishop Dunstan. It is doubtful whether this had been an improvement. The ranks, as I have stated, of the episcopal order were generally recruited from the monks, because competent men could not be found elsewhere. The magnificent and artistic cathedrals of this country had been designed and built by men connected with the monkish order. There is Durham, by William de Carilepho, formerly a Norman Abbot; Ely, by its last abbots; Gloucester, by its abbots; Rochester, by Bishop Gundulf, a monk; Winchester was commenced to be rebuilt by Bishop Wacelin in 1070, and was finished by William of Wickham; Bishop Wolstan laid the foundation of Worcester Cathedral Church in 1084, &c.

In 1066 there were about 100 monasteries in England. From 1066 to 1215 there were 427 built, making 527 to which laymen could appropriate their tithes. In addition to these there were the foreign monasteries. The main object of granting tithes to monasteries, is contained in the usual words of the charters, "Do et concedo decimam pro anima patris mei et matris meae et pro me et uxore mea, et fratris mei, &c."

The following table of monasteries, taken from Bishop Tanner's "*Notitia Monastica*," published in 1695, will give an idea of the powerful impetus which the Norman Conquest had given to their erection in this country.

	Benedictines.	Austin Order.	Cluniacs.	Cistercians.	Colleges.	Preceptories.	Alien Priories.	Premonstratensians.	Gilbertines.	Carthusians.	Brigettan Order.	Total.
William I.,	16	6	6	...	...	...	14	...	..	...	...	42
William II.,	7	2	4	...	...	...	9	...	...	...	..	22
Henry I., .	30	40	5	10	4	2	13	...	...	...	...	104
Stephen, .	15	25	4	35	1	2	3	6	6	...	...	97
Henry II., .	22	30	6	20	3	6	8	8	4	1	...	108
Richard I.,	6	4	...	1	...	...	1	4	2	...	...	18
John, . .	7	11	...	7	...	1	2	2	6	...	...	36
Henry III.,	4	15	1	9	...	...	1	1	1	...	...	32
Edward I..	3	2	...	3	9	1	...	...	1	...	...	19
Edward II.,	2	2	...	...	...	...	...	...	...	...	...	4
Edward III.,	3	6	...	1	17	...	...	...	...	...	...	27
Richard II.,	...	...	...	...	...	...	...	...	...	...	...	...
Henry IV.,	...	...	...	...	4	...	...	...	...	1	...	5
Henry V., .	...	1	...	...	6	...	...	...	...	1	1	9
Henry VI.,	...	...	...	...	8	...	...	...	...	...	...	8
	115	144	26	86	52	12	51	21	20	3	1	531

The governing bodies of the foreign monasteries to which landed estates, tenements, tithes, &c., in England were granted, had built priories in convenient parts of this country, and sent monks from their own monasteries to occupy them. The principal duties of these monks were to collect the rents and tithes, and transmit them to the heads of houses. It is stated that not less than £2000 a year, a sum equal to £60,000 of our money, was forwarded, in the reign of King Edward III., to Cluni in France by the Cluniac houses in England. In the wars with France King Edward I. was the first to put a stop to the transmission of money, and his successors dissolved the alien priories.

Owing to the pomp and luxuries of the hierarchy and monastic bodies, a religious revolutionary wave passed over this country in the thirteenth century. The chief landmarks were (1) the Lateran Council in 1215, (2) the appearance in England in 1217 of the Dominican, and in 1224 of the Franciscan preaching friars, (3) the Mortmain Act of 1279. The religious mania for building and endowing monasteries commenced to decline in Edward I.'s reign. [See table of monasteries, at p. 89.] The Franciscan order was founded in 1208, and the Dominican in 1215. Pope Innocent III. approved of both orders in 1215. The ruling idea of these mendicant friars was the elevation of poverty into

a virtue; but, strange to say, that before they were in existence many years, they became the richest orders in Christendom. Wherever they were located they became the strongest supporters of the papacy, and for two hundred years, members of these orders occupied the papal throne.

The friars in England, by their powerful and zealous preaching, had become very popular, to the great loss of the parochial clergy who were steeped in ignorance and indolency. In their sermons and pamphlets, the friars strongly advised the people to pay no tithes to the parsons; that tithes were but alms and may be given to any charitable use, and that the parsons had no parochial rights to them. The result was that the people gave the tithes to the friars, both personal and predial, as alms. The parish priests seriously felt the diminution of their revenues. Convocation of course moved vigorously in the matter. The Council of Vienna, held in 1340, condemned the friars for receiving the tithes (Selden, p. 166). The begging friars knew how to draw water to their own fountain, and succeeded well. But "Holy Church" proved too powerful for them. They were pronounced "heretics" for preaching against the payment of tithes to the parsons.

John Wickliffe, Rector of Lutterworth, who died

A.D. 1384, preached the same views about tithes as the friars did. He strongly asserted that tithes were only alms, and may be given for any religious use, or retained according to the will of the donor. The Church considered his statement as heresy, and a council of ecclesiastics condemned his opinions. The cry, "The Church in danger," was then heard, as it has often been since, whenever any changes for her improvement are suggested, or when scandals and abuses are attempted to be removed. The great beneficial reforms which were effected in the Church by the Acts of 1836, 1840, and subsequent Acts, created in those days the usual cry. Everybody now admits those changes to have been beneficial. The best evidence on this matter, are the annual reports submitted to Parliament by the Ecclesiastical Commissioners. There were grave and serious abuses in the Church in Wickliffe's days. He was as hostile to the Pope's supremacy as he was against the compulsory payment of tithes. He held that kings were superior to popes, and therefore that appeals from spiritual to temporal tribunals were just, right, and lawful. Time proved his statement on this point to be correct. He must have been a man of great boldness to question in those days the supremacy of the popes. We, living in the nineteenth century, can take a

historical survey of the various changes and struggles which occurred as regards the popes' supremacy since Wickliffe's time. He utterly detested the monks for their luxurious and worldly habits, The parochial clergy also did not escape his lash. He preferred the good old custom of one paying one's tithes, according to one's own free-will, to good and godly men, able to preach the Gospel, and he condemned, in his complaint to King Richard II. and his Parliament, the practice of compelling people to pay tithes (Selden, p. 291).

It appears from the charters which appropriated tithes to monasteries that they were given as alms in perpetuity, and this fact fortifies the statements made by Wickliffe and the Friars. They asserted that they were by custom originally given as alms or free-will offerings without any compulsion whatsoever; and Wickliffe gives some additional information, viz., that they were given only to good and godly men who were able to preach the Gospel. What seems to have excited his feelings most was, that people were in his time compelled to pay tithes to worthless and ungodly parsons who were unable to preach the Gospel. The fact that the landowners had given their tithes for any religious use, to monks who were mostly laymen, to nuns, to the religious military orders, to foreign monasteries,

and this with the full approval of kings, popes, and bishops, I say that this fact proves to demonstration that tithes were not due by divine right to the evangelical priesthood; that they were property which could have been and was disposed of, like any other kind of property, to whatever use the benefactor or owner wished. By clerical pressure at home, especially in the Confessional box, acted upon by ecclesiastical pressure from Rome, the landowners and those who paid personal tithes in this country, had slowly acquiesced in the custom, and this acquiescence created a common right in the tithes by rectors of parishes and other ecclesiastical corporations to which they were given. The usual question at Confession was, Did you pay your tithes? If No was the answer, there was no absolution granted. Protestants do not understand the extraordinary power exercised by priests in the Confessional box. To show that tithes were at first given as alms, the following extract from one of the numerous charters granting tithes to monasteries will sufficiently indicate.

Charter of Earl Randulph Gernons of Chester to the Monastery of Chester.

"Universitati vestrae notum facio me dedisse in *elemosina in perpetuum* Deo et S. Mariae et eccle-

siae S. Werburgae et Rudulpho abbati et conventui dictae ecclesiae pro salute animae Hugonis comitis, praedictae ecclesiae fundatoris ac pro salute animae Randulphi comitis patris mei, et antecessorum meorum, et pro salute animae meae, et Christianorum omnium, omnem decimam integriter et plenariè omnium reddituum meorum civitatis Cestriae, &c."—["Monasticon."]

This Earl died in 1153. Earl Hugh Lupus, the refounder, who died in 1101, granted many manors, churches, and tithes, as *alms in perpetuity.*

All the early parochial records are lost, and therefore in dealing with the old parishes we are at a great disadvantage. It is not so with the monasteries. The monastic bodies had carefully preserved all their charters of grants. That beautiful storehouse—the "Monasticon"—furnishes us with ample information for our guidance, and a correct knowledge of those houses. Is it not reasonable, in the absence of parochial records, to draw conclusions from monastic charters, as to the original disposition of tithes to parishes? If they were given as alms to monasteries, they were also so given to parochial clergy, and if so given, it is unreasonable to suppose they were given to the rectors for their own personal use without any refer-

ence to the poor and sick, or the fabric of the church. As they were orginally given as voluntary offerings, they formed a part of the parochial common fund. This fund was not for the exclusive use of the clergy. I have already stated its use.

CHAPTER VIII.

INFEUDATIONS—EXEMPTION FROM PAYING TITHES.

INFEUDATIONS are the conveyances of the perpetual right of tithes to laymen.

The Third Council of Lateran, held in 1180, was the first to forbid infeudations. Such conveyances, although frequent on the Continent, were not so in England until the general dissolution of monasteries. Very little of the lands, tenements, and tithes of the alien priories which Parliament had at various times alienated, was given away or sold to laymen. The properties were bestowed on other monasteries and colleges for religious and educational purposes. This was not so with the enormous properties which Parliament had given to Henry VIII. and his son. The 32 Hen. VIII., c. 7, gave the king power to grant the lands, tenements, tithes, &c., of the dissolved houses to whom he wished; that such persons should be free from the payment of tithes if such lands had been exempted previous to the Dissolution; and the same Statute also permitted the lay-owners of monastic lands to

claim tithes from them. So, therefore, the layman who claimed the payment of tithes was called an "impropriator," because he was an "improper" person to receive them. But the same may have been said of the lay monks, nuns, military orders, &c., who had been in the receipt of tithes.

It is a well-known fact that the lay-owners of tithes never contributed any of them, before the Commutation Act, for Church purposes. They have always been, and are still, the most exacting to obtain their tithes, or tithe rent charges in full.

Exemption from Paying Tithes by Religious Houses.

All abbots, priors, and other heads of monasteries had originally paid tithes; but Pope Paschal II. exempted generally all the "religiosi" from the tax on lands under their own management. About A.D. 1160 Pope Adrian IV. limited this exemption to the Templars, Hospitallers, and Cistercians, who alone were exempted from paying tithes for lands which were then, but not those afterwards acquired, under their own immediate management. The privilege did not extend to lands let to farmers, but only to those which they occupied before the Council of Lateran, in 1215, which confirmed the above exemptions. A fourth

order—the Premonstratensian—was added by Pope Innocent III. These were called the four privileged orders. After the passing of the Mortmain Act, which gave a terrible blow to the monastic bodies, the privileged orders purchased from the popes, bulls of exemption from paying tithes for their lands let to farmers, and also for the lands which they acquired since 1215. These bulls had the force of law in the English canon law, and were allowed in actions for tithes. This mode of purchasing bulls of exemption was put a stop to in 1400 by 2 Henry IV., c. 4, which subjected the purchaser to premunire (Selden, pp. 406, 407; Philimore, p. 493). The Statute of Premunire was passed in 1393 (16 Richard II., c. 5) against "procuring, at Rome or elsewhere, any translations, processes, excommunications, bulls, instruments, or other things which touch the king, against him, his crown and realm, and all persons aiding or assisting therein shall be put out of the king's protection, their lands and goods forfeited to the king's use, and they shall be attached by their bodies to answer to the king and his council, or process *proemunire facias* shall be made out against them, as in any other cases of provisors."

The lands of the religiosi, which were thus exempted from paying tithes, are exempted up to the

present day, because at the dissolution of monasteries, before as well as during the reign of Henry VIII., the 31 Henry VIII., c. 13, provided that all lands held by the monasteries, and exempted from tithes, should also be exempted when vested in the Crown; and the king had an Act passed exempting those who should become possessors of such crown property. There is also 2 Edward VI., c. 13. But there were other lands given to the king at the dissolutions which were not exempted; in such cases the law of exemption did not apply. This explains the fact that some of the present holders of monastic property pay no tithes, some do, and others are tithe owners. Up to 1571 every man might by common law be discharged from paying tithes by grants, or compositions real; but since 13 Elizabeth, no real composition is good for any longer than three lives, or twenty-one years.

The modus and real compositions tended, like the Commutation Act of 1836, to the improvement of estates.

Dissolution of

VI. four

CHAPTER IX.

THE DISSOLUTION OF MONASTERIES.

WHAT precedents had King Henry VIII. to guide him in dissolving the monasteries?

(1.) Edward I., in 1295, seized the property of the alien priories.

(2.) In 1324 (17 Edward II.) the lands and tenements held in England by the Templars were, by Act of Parliament, seized and transferred to the Knights Hospitallers, when the services of the former were no longer required for purposes for which the property had been assigned to them.

(3.) Edward III., in 1337, seized the alien priories, and let out the lands and tenements, until there was peace with France in 1361. The most valuable of them were naturalized, and thus became free from the yoke of any foreign monastery, and could elect their own priors.

(4.) Richard II. bestowed on the Cartusians several of the smaller alien priories which Edward III. had seized.

(5.) In the reign of Henry IV. the House of

Commons suggested, in 1404, that the clergy, including the religiosi, should be deprived of all their temporalities, in order to furnish funds for the defence of the kingdom and for the maintenance of a large army. A similar proposal was made in 1410, but the king, directly influenced by the Archbishop of Canterbury, would not listen to the suggestions. These facts indicate the growing unpopularity of the Church even at that early period of the life of the House of Commons. The statute of Mortmain in 1279, the statutes of Provisors in 1351 (25 Edward III., c. 6) and of 1353 (27 Edward III.), the statute of Premunire in 1393, are all so many previous illustrations of the growing hostile feeling of Parliament to the Church, monastic establishments, and the Pope of Rome.

(6.) In the reign of Henry V. another attack was made upon the property of the Church by the Parliament which met in 1415, but the tact of the Archbishop of Canterbury on this occasion, as well as in 1404 and 1410, saved the property. However, this Parliament granted the king all the property of the alien priories, except those which were free and could elect their own priors. Henry V. built and endowed six colleges and three religious houses principally out of the property of the suppressed priories.

(7.) Henry VI. founded and endowed Eton College and King's College, Cambridge, out of the same suppressed property.

(8.) Cardinal Wolsey, with the approval of King Henry VIII. and the pope, suppressed about forty small religious houses in 1523, in order to endow his college—Cardinal College, now Christ Church, Oxford—one of the richest in that University.

Here are instructive and interesting facts. Large monastic endowments were devoted to building and richly endowing colleges and schools for the sons of the wealthy men of the land. Up to a recent date, a large part of the endowments of Oxford and Cambridge was given away in the shape of hundreds of superfluous Fellowships with stipends annexed ranging from £200 to £450 a year, tenable in certain cases for life. Here was a wholesale waste of endowments. The recipients left their colleges for ever, and did no work for their handsome life annuities. Men have spent thirty and forty years of their lives in the service of their sovereign through all parts of the empire who have been pensioned off with less than these men have pocketed from their Universities after a few years' study. The endowments of Oxford were so enormous that nothing but a Royal Commission could dare attempt to find out

its financial position. The ex-Fellows generally went to professions, and were not handicapped in their finances like less fortunate individuals in the great struggle at the beginning of their professional career, just at a time when so many failures occur from want of funds. It seems strange that while millions of the poor are educated partly at the expense of the rates and taxes, partly by voluntary contributions, and partly by the parents themselves, yet our leading wealthy Universities and some of our public schools are in the enjoyment of rich endowments from monastic property and rectorial tithes. Add to these the facts that so many extensive estates, &c., were given by Henry VIII. to his favourites and courtiers, and that lay impropriators are at present in receipt of £766,233 a year from tithe-rent charges, minus the expenses and depreciation in value of this kind of property. In all the distribution of Church spoliation, the poor have never been considered for one moment.

I have stated eight precedents for Henry VIII.'s guidance in dissolving the monasteries. I shall now state his action in the matter.

In 1534 Parliament made him "Supreme head of the Church of England." He therefore took the pope's place, and received the first-fruits and tenths. In 1535 commissioners were appointed to

take the value of all ecclesiastical benefices in order to settle the first-fruits and tenths. In 1536 the valuation was completed. The monks viewed the king's conduct towards the pope with the most bitter hostility. They constantly used their influence to excite the feelings of the people against the king. Henry knew all this, but he could never alienate them from the pope. The subsequent conduct of the king and his ministers was guided on political and not religious grounds. There was then but one course open to the king, and that was to dissolve the religious houses. It was a bold, arduous, and dangerous step. The morality of these houses was the only vulnerable point in which he thought he could successfully carry out his plan. He first obtained an Act of Parliament empowering him "to visit, order, and reform all errors and abuses in religion." This was the lever which Henry's agents used to expose every real and imaginary immoral act, and thus create hostility in the minds of the people against them. A commission was issued in 1535 with unlimited power to visit the monasteries. In 1536 the report was finished. But the original was destroyed in Queen Mary's reign. We must be careful what credence to give to evidence taken down and reported upon by such commissioners as Leigh and Leyton, who

CHAPTER X.

THE COMMUTATION ACT OF 1836, 6 AND 7 WILL. IV., C. 71.

UP to the time this Act was passed, the tithe owner claimed in kind the tenth part of the gross produce of the land, without contributing anything towards cultivation or improvements. In fact the claim retarded both, and the object of the Act was to advance and not to keep back the cultivation and improvement of the land. The tithe was a tax upon labour and capital. The collection of tithes became both unpopular and obnoxious.

"Tithes are a tax," says Archdeacon Paley, "not only upon industry, but upon that industry which feeds mankind. They operate as a bounty upon pasture. The burden of the whole tax falls upon tillage, that is, upon that precise mode of cultivation which it is the business of the State to relieve and remunerate in preference to every other." [Paley's "Moral and Pol. Philosophy," vol. ii. p. 406.]

"The tithe," says Adam Smith, "is always a great discouragement both to the improvements of the landlord and to the cultivation of the farmers. The one cannot venture to make the most important, which are generally the most expensive improvements, nor the other to raise the most valuable, which are generally, too, the most expensive crops, when the Church, which lays out no part of the expense, is to share so very largely in the profit." [Smith's "Wealth of Nations," vol. iii. p. 274.]

Agricultural depression during the four years previous to 1836, and the growing discontent of agricultural tithe-payers, demanded a speedy solution of this problem. Statesmen tried to solve it before Lord Russell attempted the task. Lord Althorp tried it in 1833, and again in 1834, but failed on both occasions. His three principal propositions were—(1) To substitute a money payment in lieu of tithes in kind; (2) the rent-charge to bear a fixed proportion to the rent payable on the land; (3) to redeem the tithe by twenty-five years' purchase, or the creation of a rent-charge of equal value. The second proposition was the weakest. Any attempt to establish a proportion between tithe and rent would end in failure, for the two had no similar foundation. Tithe was founded

rent charge. The landlord would gain by the arrangement. At present, he allows his tenant £100 to pay a debt of £90, 10s. 3½d. (or £87, 8s. 9¾d. in 1887), which the tenant declines to pay, unless he receives an abatement of from 20 to 30 per cent.

But here is the anomaly of the Commutation Act, that although the rent charge comes out of the landlord's pocket, yet the tithe owner cannot by law bring an action against him for any arrears, but is bound by the Act to distrain on the land. The tenant has therefore two landlords. Hence we find in years of agricultural depression, such as the present, tenants who receive a deduction in the half-year's rents from their landlords, seek also for a similar deduction from their second landlord—the tithe owner. These applications are generally made to incumbents, who prefer making the deduction than run the odium resulting from distraints on the lands of their parishioners. Other tithe owners, such as the Ecclesiastical Commissioners and some of the colleges, by showing a determined front in making distraints on the lands, get all their rent charges without any abatement. Similar conduct was pursued before the Commutation Act was passed; the parochial clergy, in the most sympathetic manner, accepted very low tithes in years of agricultural depression. The result was that the rent charge arranged up to Christmas 1835

for them and their successors, was comparatively low; whereas the tithe rent charges of the lay impropriators, colleges, schools, &c., who always insisted on their full tithes, were comparatively high, and it is upon that value they now receive their rent charges.

When the Commutation Bill was passing through Parliament in 1836 it was urged that many landlords were often absent from the country for a considerable time, and therefore if the rent charges were not paid, the tithe owners would find it very difficult to get them from absent landlords, who had no agents in the country. The law was therefore framed to enable the tithe owners to distrain on the land for arrears of rent charge, just in the same manner as the landlords could for arrears of rent. That was the origin of dual landlordism.

The Commutation Act enacts that the incumbent may receive 20 acres in lieu of his rent charge, and that the rent charge is liable to parliamentary, parochial, county, and other rates, charges and assessments, to which the tithes were liable.

The great injustice of tithe rent charges is that they are levied only upon agricultural produce, thus leaving free of such charges the extensive city and town lands, and the rich mines of the country. The lands in the vicinity of large cities and towns

now to compete with foreign countries which pay no tithes nor import duties.

It may be said that the duty on hops having been repealed since 1862, the reduction of about £4, 5s. per acre must have benefited the hop growers. The fact is, that the landlords and not the tenants chiefly derive the profits from the reduction. Before 1836 there were 56,300 acres of hops cultivated. In 1880 there were 66,703 acres. The Tithe Commissioner had taken certain hop districts, and ascertained the average tithe of the last seven years, and fixed the amount of the extraordinary charge.

The Market Gardens Act of 1873 was passed on account of a burst of popular indignation against the conduct of the Vicar of Gulval in Cornwall, who endeavoured to enforce the payment of an extraordinary tithe rent charge of 1s. 6d. per acre on 213 acres brought into new cultivation. It was enacted that the provisions relating to the extraordinary charge on market gardens, newly cultivated as such, *should only apply to parishes where such charge was distinguished at the time of commutation.*

In 1839 (2 and 3 Vict., c. 62, sec. 27) an Act was passed in a quiet manner which placed orchards, as regards the extraordinary charge, on the same foot-

ing as the Act of 1873 (36 and 37 Vict., c. 42) placed the market gardens. The Acts of 1839 and 1873 admit that extraordinary rent charges are wrong in principle, and that those on hops should be abolished.

The battle about extraordinary tithe rent charge which has been waged ever since Lord Russell inserted the unfortunate clause in his Commutation Act, has ceased by the passing of the Extraordinary Tithe Redemption Act of 1886. But there are rumours that the Act is so unsatisfactory that it must be repealed.

The following is a brief summary of that Act:—

The Extraordinary Tithe Redemption Act (49 *and* 50 *Vict., c,* 54).

This Act was passed in 1886 (25th June). In the preamble it is stated that the extraordinary charge levied under previous Acts, is an impediment to agriculture, and therefore should be limited, and power given to redeem the same. It is enacted that after the passing of this Act, no extraordinary charge shall be charged or levied under the Tithe Commutation Acts on any hop ground, orchard, fruit plantation, or market garden newly cultivated as such. The Land Com-

church or to minister the sacraments in a tongue not understanded of the people." It is not to be wondered at that two-thirds of the people of Wales are Dissenters, and that the remaining one-third belong to the Established Church and are like the Protestant Episcopalians in Ireland before the Disestablishment. They were of the Church of the minority; so they are in Wales.

When the Church Reform Bill was passing through the House of Commons in 1836, a member moved, "That it be an instruction to the committee on the second reading that no clergyman not fully conversant with the Welsh language be appointed to any see or benefice in the principality of Wales." If that motion had been adopted fifty years ago and faithfully carried out, the Church in Wales would be in a much better position in the affections of the people than it is at the present time. Lord Chancellor Cottenham, who, before his elevation to the woolsack, had been a member of the Ecclesiastical Commission of Inquiry in 1835, and signed the reports, was terribly annoyed at the the above motion. "He considered it presumptuous for any person to interfere with his patronage in Wales." As a commissioner he must have been familiar with the terribly neglected condition of the Church in the principality in 1836. The fact

is, that Crown patronage, *i.e.*, the patronage of the Prime Minister, appointing archbishops, bishops, deans, and a certain number of canons, coupled with the large patronage of benefices by the Crown and Lord Chancellor, have been a terrible drag at all times on the progress of the Church of England.

Retrospective View of Tithes in England.

I shall now take a retrospective view of tithes in England—

(1.) In 855, when Ethelwulph's law was passed, the population of England and Wales could not be more than 750,000, and one million of acres under cultivation.

(2.) In 1066, population about one and a quarter millions, lands cultivated about one and a half million of acres.

(3.) In 1215, population about two millions, lands cultivated about two and half millions of acres.

(4.) In 1547, when Henry VIII. died, the population was about five millions, and about six millions of acres under cultivation.

(5.) The 2 and 3 Edw. VI., c. 13, s. 5, enacted that "all barren or waste ground which before this time have lain barren and paid no tithes by reason

the rent of 20s. by the year, ascending from 10s. to 10s., according to the rate aforesaid."

The parson's or appropriator's share of the tithes in London before the Reformation was 9d. in the pound. Strictly speaking, tithes on houses for habitation had not been paid by "Common Law." As I stated in the first page, tithes were only due of things that grew, increased, and renewed from year to year. Houses did not increase in value as a general rule, but rather decreased.

When leases are made, it is enacted that tenants or farmers shall pay their tithes after the above rate, according to the rents they paid when last let before making such leases.

The tithes were to be paid quarterly, viz., at Easter, Nativity of St John Baptist, Michaelmas, and Christmas.

The householder who paid his tithes was discharged of paying any of the four offering days, but his wife, children, servant, and others of their family taking the rights of the Church at Easter were to pay 2d. for their four offering days yearly. In all Acts of Parliament dealing generally with tithes, from the reign of Henry VIII. to the present time, the city and liberty of London were always excluded from the Acts, for their tithes were dealt with separately.

(III.) The next account of tithes in London was after the great fire of 1666.

An Act was passed (22 and 23 Charles II., c. 15) for the better settlement of the maintenance of the parsons, vicars, and curates in the parishes of the city of London burnt by the great fire:

"Whereas the tithes in the city of London were levied and paid with great inequality, and are, since the late dreadful fire there, in the rebuilding of the same, by taking away some houses, altering the foundations of many, and the new erecting of others, so disordered, that in case they should not for the time to come be reduced to a certainty, many contrivances and suits of law might arise, be it enacted that the annual certain tithes of every parish in the city of London and its liberties, whose churches have been demolished or in part consumed by the late fire, be paid according to the sum opposite each." Then the names of fifty-one parishes follow with sums ranging from £100 to £200 per annum, each in lieu of tithes.

Sec. 3. "Which respective sums of money to be paid in lieu of tithes within the said respective parishes, and assessed as hereinafter is directed, shall be and continue to be esteemed, deemed, and taken to all intents and purposes, to be the

Wales would for ever be free from the payment of tithes.

The Clerical Appropriators are—

The Archbishops and Bishops whose gross tithes are, in round numbers, . . .	£190,000
The Chapters, do. do., .	310,000
The separate estates of Deans and Prebends vested in the Ecclesiastical Commissioners, ...	180,000
Total, . . .	£680,000

All this is paid to the Ecclesiastical Commissioners.

The following statement gives the net revenues in 1886, under the following four headings, after deducting 9½ per cent. depreciation in value, 5 per cent. for collection, and 15½ per cent. for rates, taxes, &c. :—

Clerical Appropriators, . .	£488,872 net.
Parochial Incumbents, . .	1,737,151
Lay Impropriators, . . .	551,688
Schools, Colleges, &c., . .	141,161
Total, . .	£2,918,872

As Lay Impropriators, Schools, Colleges, &c., are not engaged in the spiritual work of the Established Church, we must add only the first two to

obtain the net sum which the clerical staff of the Church receive from tithe rent charge, viz.. £488,872 + £1,737,151 = £2,226,023. To this sum must be added (£8000—£1600 for expenses) £6400 for extraordinary tithe rent charge, and we get £2,232,423. It is not fair to credit the bishops, chapters, and parochial incumbents with the tithes received by laymen, schools, colleges, hospitals, &c. The capital value at twenty-five years' purchase for the actual Church revenue is £2,232,423 × 25 = £55,810,575, or fifty-six millions in round numbers, which, if invested in consols at 3 per cent., will give an income of £1,674,317, or say £1,675,000 per annum. These are stubborn facts, mathematically correct.

The following statement gives the capital sums and yearly incomes under the four headings as arranged above, on the redemption scale of twenty years' purchase:—

	Capital sum at 20 years purchase.	Yearly income at 3 per cent.
Clerical Appropriators, .	£9,777,440	£293,323
Parochial Incumbents, .	34,871,020	1,046,130
Lay Impropriators, . .	11,033,760	331,013
Schools, Colleges, &c., .	2,823,220	84,697
Total, . . .	£58,505,440	£1,755,163

At twenty-five years' purchase the value of the

The best way to dispose of this annual revenue is to expend it on the education of the children of parents of all denominations who reside on the lands which pay the tithe rent charges. That could easily be arranged in a few clauses of the Redemption Act. It should not be devoted to decreasing the rates and taxes, or given to school-boards, and thus decrease school rates, for some landlords would take advantage of such reductions, and raise their rents accordingly. But it should be exclusively spent in freeing the parents from weekly cash fees, building better schools, providing better school furniture, reducing price of books, and employing better teachers. Half a million a year thus expended from such sources, would, I am certain, be more productive of benefit to the country than it is at present. The essence of the Christian religion is to provide for the poor and not for the rich, who can very well and did take care of themselves "in going in" for large slices of church spoliation.

The redemption scheme is no doubt the best mode of solving this difficult problem. But an important question will arise—Why should our well endowed universities and public schools receive the large sums set opposite their names from localities where it would be of great use if employed in

satisfying local claims in educating the children of those places? Those who send their sons to the public schools and universities, are well able to pay for their education. Why, then, should not the money be devoted to the education of the farmers' children of the localities from which the tithes arise? These remarks are equally strong, if not more so, against lay impropriators. They give no return whatever for the large annual revenues they take from the lands. Are not the rentals of the confiscated monastic lands without the tithes ample enough? Parliament sanctioned the confiscation. But there is a mighty difference between the Parliaments of Henry VIII. and of Queen Victoria. The tithes of the lay impropriators should also go to satisfy the educational local claims where they arise. The remarks are not so strong against the clerical appropriators and parochial incumbents. The high-handed conduct of Henry VIII., Edward VI., and Elizabeth, deprived many of the bishops of large portions of their landed estates, and gave them monastic tithes in return, instead of giving them back to the parochial clergy. This accounts for the large episcopal revenues derived from tithes. The rich estates thus taken from the bishops were partly handed over by these sovereigns to their

dean is mistaken. In chapter iv., and other parts of this book, I have explained the origin of tithes in England—how they were first given as a customary free-will offering, and how this custom generated a common right.

(3.) Lord Selborne says (p. 149), "It is necessary for those who maintain that opinion [the division of tithes] to show by historical evidence that at some time or other in all or some part of England any such custom or practice did, in fact, prevail: and this has never been, and never can be done." I have given seven reasons in this book (pp. 27-29) for the division of tithes. I could have added an eighth from the custom adopted in London (chapter xi.). The Constitutions of Ethelred the Unready are undoubted "historical evidence," and are as genuine as any "historical evidence" which Lord Selborne in his book has produced in support of his own arguments or opinions. Lord Selborne takes up certain views, as regards the division of tithes, in defence of the Church. He ignores any claim on the tithes for the poor or the fabric of the Church. He maintains that the parson has the full right to all his tithes without any division whatsoever. These are the positions he takes up. As a special pleader and an *ex parte* writer, he pooh-poohs "historical

evidence" as "idle stories" which militate against his own peculiar views. He dubs all as "uncritical writers" who will not read historical documents with his own spectacles. His lordship quotes passages from the works of certain authors in support of his own opinions, but when he finds passages in the *same* works which contradict any of his own peculiar theories, he disparages the statements. I shall give a few instances out of several to illustrate what I have thus asserted. He is profuse in his quotations from Johnson's "Laws and Canons" in support of his views, but when he comes to the collection of canons attributed to Archbishop Egbert, he says, "The tendency of Mr Johnson, and of other ecclesiastical writers of the seventeenth century (see Spelman, p. 132, and Stillingfleet, Eccles. Cases, etc., p. 89), was to accept ancient documents of this kind [meaning the collection of canons attributed to Archbishop Egbert] not on tithes only, but on other subjects also, with little discrimination" (Note, pp. 149, 150). From such observation one's confidence is much shaken in Mr Johnson's work when quoted by Lord Selborne himself in support of his own views. His animadversions are very strong. Mr Johnson uses very little discrimination, "not on tithes only, but on other subjects also." How then are we to believe